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Initial: Mysercus

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.6 RFI QAPP Cоттевропиенсе		.8 Progress Reports	- Summaring
.7 Lab Data, Soil-Sampling/Groundwater		D.5 Corrective Action/Enforcement	
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.5 CMI QAPP		.6 Endangered Species Act	
.6 CMI Correspondence		.9 Environmental Justice	
	1		

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### State of Ohio Environmental Protection Agency

#### **Northeast District Office**

J E. Aurora Road Twinsburg, Ohio 44087-1969

**TELE:** (330) 963-1200 **FAX:** (330) 487-0769 www.epa.state.oh.us

Bob Taft, Governor Jennette Bradley, Lieutenant Governor Christopher Jones, Director

December 15, 2004

RE: RB & W Corporation OHD 004 196 614 Portage County

Mr. Carl Brondel Lamson & Sessions Co. 25701 Science Park Drive Cleveland, Ohio 44122

Dear Mr. Brondel:

The U.S. Environmental Protection Agency (U.S. EPA) is required by the Government Performance and Results Act (GPRA) to establish a set of environmental measures to demonstrate facility wide program success. The Resource Conservation and Recovery Act (RCRA) measures are:

- 1. Risk to human health is controlled.
- 2. Contaminated ground water migration is controlled
- 3. A cleanup remedy has been selected; and
- 4. A cleanup remedy has been constructed.

These four measures will go into effect with the beginning of the Federal fiscal year (FFY) 2006 on October 1, 2005. The Region's goal is to achieve by the end of FFY2008 (September 30, 2008):

- 1. Control of human health risk at 95% of baseline facilities,
- 2. Control of contaminated ground water migration at 80% of baseline facilities,
- 3. Select remedies at 30% of baseline facilities; and
- 4. 20% of selected remedies will have been constructed.

Region 5 of U.S. EPA has identified a subset of 402 of the facilities that are subject to the RCRA Corrective Action Program requirements to be included in the FFY2008 GPRA Baseline. The former RB&W property located at 800 Mogadore Road Kent, Ohio has been selected as one of the 402 FFY2008 Baseline facilities located in Region 5. The National list of Baseline facilities can be found at <a href="https://www.epa.gov/oswer/correctiveaction">www.epa.gov/oswer/correctiveaction</a>.

To begin this process, Ohio EPA must complete Environmental Indicator Forms 725 (Human Exposures Under Control) and 750 (Migration of Contaminated Groundwater Under Control) for the property. Copies of the forms were sent via e-mail to your consultant, Matt Knecht, on December 10, 2004. In an effort to allow input from Lamson & Sessions as the current owner of the site, Ohio EPA is requesting that you complete the forms and return them to our office. Our office will review and comment on the forms upon receipt.

Mr. Carl Brondel Lamson & Sessions Co. December 15, 2004 Page 2

Ohio EPA's Division of Hazardous Waste Management acknowledges Lamson & Sessions participation in Ohio EPA's Voluntary Action Program. Entering into the 'MOA' track of the program now, and obtaining a covenant not to sue in a timely manner, will greatly reduce the possibility that Ohio EPA or the U.S. EPA will issue orders under Corrective Actions. Nevertheless, the Environmental Indicators process must be completed by Ohio EPA and you.

If you have any questions regarding this designation, please contact me at (330) 963-1159, or John Palmer at (330) 963-1232.

Sincerely,

Karen L. Nesbit

Division of Hazardous and Waste Management

KLN:cl

ec: Frank Popotnik, DHWM, NEDO, OEPA

John Palmer, DHWM, NEDO, OEPA

cc: Ed Lim, DHWM, NEDO, OEPA

Greg Rudloff, USEPA Region V

Hak Cho, USEPA Region V

Matt Knecht, HzW

Samuel R Martillotta, with Mansour, Gavin Gerlack and Manos Co. LLP





RONALD L. NORDSTROM PLANT MANAGER

October 25, 1990

U.S. E.P.A. Region 5 230 South Dearborn Street Chicago, IL 60604

Attention: Mr. William H. Miner, Chief

Hazardous Waste Enforcement Branch

Re: RB&W Corporation

Docket No.: V-W-87-R-040

Subject: Amendment of Certification, dated December 14, 1987

(Attached)

Dear Sir:

It has come to our attention the above subject certification submitted in accordance with the above-referenced Docket No. Order, Paragraph A, was inaccurate. The corrected certification statement is as follows:

To the best of our knowledge, we certify that hazardous waste <u>from the plating process line</u> is no longer being generated or stored at our facility and that all previously generated and stored hazardous wastes <u>from the plating process line</u> have been properly disposed. Attached are copies of supporting manifests.

The above amendment is submitted to crarify the ambiguity presented in the original certification. Please feet free to contact me at (216) 673-3446 if you have any questions regarding this matter.

Respectivity submitted.

Ronald L. Nordstrom Plant Manager

BN/tr

oc: Mr. Richard L. Shank, Director

Ohio E.F.A.

Division of Solid & Hazardous Waste Management

1800 Watermark Drive

P. O. Box 1044

Columbus. OH 43216-1044 Ref. OHD-004-196-614

5HE-12

JAN 29 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John W. Bradshaw, R.S. Deputy Health Commissioner Department of Public Health 651 Middlebury Road Kent, Ohio 44240

> Re: Russell, Burdsall & Ward Consent Agreement and Final Order

Dear Mr. Bradshaw:

Enclosed please find the requested copies of the documents required under paragraphs A and B of the December 3, 1987. Consent Agreement and Final Order (CAFO) (see page 2 of the <u>Order portion</u>). I will notify you upon receipt of the notification of compliance with the Order as required by paragraph E (see page 3 under the <u>Order portion</u>).

If you have any further questions regarding this matter, please contact me at (312) 886-1478.

Sincerely yours,

Kimberly Ogle
RCRA Enforcement Section

Enclosure

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JAN 29 1988

Consent Agreement and Final Order RB & W Corporation (Docket No. V-W-87-R-040)

Kimberly Ogle RCRA Enforcement Section

Thea Dunmire Office of Regional Counsel

This is to inform you that on January 20, 1988, Calfee, Halter and Griswold representing Russell, Burdsall and Ward submitted the documents required under paragaphs B and C of the CAFO, effective December 3, 1987. The closure plan (paragraph B) was forwarded to the Permit Unit for approval review. The check for \$35,000 (paragraph C) was forwarded to Beverley Shorty, Regional Hearing Clerk. Attached is a copy for your files.

Attachment

5HE-12:KOGLE:fharris:6-1478:1/21/88

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### Calfee, Halter & Griswold

Attorneys at Law 1800 Society Building East Ninth & Superior Cleveland, Ohio 44114-2688

> (216) 781-2166 Telex 980499

January 19, 1988

### VIA FEDERAL EXPRESS

United States Environmental Protection Agency Region V Waste Management Division RCRA Enforcement Section 230 South Dearborn Street Chicago, IL 60604

Attention: Kimberly Ogle

Re: RB&W Corporation, CAFO Docket No.V-W-87 R-040

Dear Ms. Ogle:

Enclosed is a Closure Plan, prepared in accordance with the applicable requirements, which RB&W Corporation proposes to execute in compliance with paragraph B of the Consent Agreement and Final Order entered in the above-captioned matter. Also enclosed is RB&W's check in the amount of \$35,000 to satisfy the civil penalty specified in paragraph C of that order.

Please let us know as soon as possible whether the enclosed Closure Plan is approved, so that RB&W may begin to take the actions specified therein. If you have any questions regarding the enclosed, please call me.

Mark I. Wallach

MIW: fmm Enclosures

cc: Regional Hearing Clerk, U.S. EPA Solid Waste and Emergency Response Branch Secretary

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 230 SOUTH DEARBORN CHICAGO, ILLINOIS 60604

1/19/88

RB & W CORPORATION 800 MOGADORE ROAD KENI OHIO 44240

RE: ARCN

88163

DEAR

The enclosed document indicates that your account has been outstanding for over 30 days and is now considered delinquent. Interest at the annual rate of 7.000 % is now being charged for each day beginning 12/3/87.

You are also being assessed a late payment handling charge of \$20.00 for the first 30 day late period and an additional \$10.00 for each subsequent 30 day period based on current EPA processing costs.

An additional 6% per annum penalty charge on the remaining principal is going to be assessed if not paid within 90 days of the due date.

A summary of your account as of 1/2/88 is as follows:

Original Debt	\$	35000.00
First 30 Days Interest	\$	203.00
Late Payment Handling Charge	\$	2 <b>0.</b> 00
Total Amount Due	Ş	35223.00

Please indicate the ARCN number on your check or money order made payable to the U.S. ENVIRONMENTAL PROTECTION AGENCY, to the following address:

US Environmental Protection Agency Region V P.O. Box 70753 Chicago, Illinois 60673

If you have any questions regarding this debt, your inquiry should be directed to Joe Zotomayor at (312)886-7520 or mailed to the Finance & Accounting Section (5MFF-14), US Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604.

If we do not hear from you within 30 days from the date of this letter, we will assume you concur with the amount of this bill.

Sincerely yours,

A. Ray Marasigan, Chief Finance & Accounting Section



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

## 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF: 5HE -12

DEC 8 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mark Wallach Calfee, Halter & Griswold Attorneys At Law 1800 Society Building Cleveland, Ohio 44114-2688 DEC 10 1987

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Re: RB & W Corporation

Docket No.: V-W-87-R-040

Dear Mr. Wallach:

This letter is to acknowledge receipt of the Consent Agreement and Final Order signed by RB & W Corporation. A fully executed copy of the Consent Agreement and Final Order is enclosed for your file.

Your cooperation in resolving this matter is appreciated.

Sincerely yours,

William H. Miner, Chief

Hazardous Waste Enforcement Branch

Enclosure

cc: Michael Savage, OEPA

Competite 196614

JAN 1 4 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mark Wallach Calfee, Halter & Griswold Attorneys at Law 1800 Society Building Cleveland, Ohio 44114-2688

> Re: Extension for CAFO Requirement RB & W Corporation Docket Number: V-W-87-R-040

Dear Mr. Wallach:

January 6, 1988, regarding a ten (10) day extension for the submittal of the closure plan as specified on page 2 of the December 3, 1987. Consent Agreement and Final Order (CAFO) (See B under the Order portion). Under the requirements of the CAFO, the document is due on January 10, 1988. Allowing for a ten (10) day extension, we shall expect the document in our office on January 20, 1988. Please note all other requirements of the CAFO remain unchanged.

If you have any questions regarding this matter, please contact Kimberly Ogle of my staff at (212) 885-1478.

Sincerely yours.

William E. Muno, Chief RCRA Enforcement Section

.cc: Michael Savage, OEPA-CO

Ernest Gear, Plant Manager, RB & W Corp.

bcc: Thea Dunmire, ORC

February FPS

SIE-12: MYPICE: Thannis: 6-1478:1/6/88; SETY DATE

NAT. DATE

NAT. DATE



### DEPARTMENT OF PUBLIC HEALTH

651 Middlebury Road KENT, OHIO 44240

678-8109 Area Code 216

January 11, 1988

Kimberly Ogle, 5HE-12 USEPA Region 5 230 South Dearborn St. Chicago, Ill 60604

> re: Russell Burdsall & Ward Consent Agreement & Final Order December 3, 1987

Dear Ms. Ogle:

We are in receipt of the above referenced document. Please forward to my attention the documents required under Paragraphs A, B and E of the Final Order as they pertain to the zinc phosphating, acid pickling and cadmium plating lines. Thank you, in advance, for your attention to this matter.

Sincerely, Ohn B. Brodshaw

John B. Bradshaw, R.S. Deputy Health Commissioner

JBB/ki cc: file

John Ferlito

OND OOTIGE PIN

### Calfee, Halter & Griswold

Attorneys at Law 1800 Society Building East Ninth & Superior Cleveland, Ohio 44114-2688

> (216) 781-2166 Telex 980499

January 6, 1988

United States Environmental Protection Agency Region V Waste Management Division RCRA Enforcement Section 230 South Dearborn Street Chicago, IL 60604

Attention: Kimberly Ogle

Re: RB&W Corporation, CAFO

Docket No.V-W-87 R-040

Dear Ms. Ogle:

Confirming our telephone conversation of this date, you have agreed to grant RB&W Corporation an extension of ten days, until January 20, 1988, to comply with the requirements of paragraph B of the Consent Agreement and Final Order entered in the above-captioned proceeding, to submit a closure plan for the tank and drum storage areas.

Your consideration in agreeing to this extension is greatly appreciated.

Very truly yours

Mark I. Wallach

MIW: fmm

CORPORATION MENTOR, OHIO 44060

FIRST NATIONAL BANK OF ASHLAND AN AFFILIATE OF NATIONAL CITY BANK

CLEVELAND, OHIO 44101

PAY \*\*\*\*\*\*35,000 DOLLARS AND OO CENTS

TO THE ORDER OF:

Treasurer of the United States of America U.S. EPA, Region V P.O. Box 70753 Chicago, Illinois 60673

0288874 January 5, 1988

\$\*\*35,000.00

Accountation of the & Accounting Region

AMOUNT

88163

PLEASE DETACH & RETAIN

MENTOR, OHIO 44060

Calfee, Halter & Griswold Attorneys At Law 1800 Society Building Cleveland, Ohio 44114-2688

RB & W Corporation

Docket No.: V-W-87-R-040

Dear Mr. Wallach:

This letter is to acknowledge receipt of the Consent Agreement and Final Order signed by RB & W Corporation. A fully executed copy of the Consent Agreement and Final Order is enclosed for your file.

Your cooperation in resolving this matter is appreciated.

Sincerely yours,

William H. Miner, Chief

Hazardous Waste Enforcement Branch

Enclosure

cc: Michael Savage, OEPA

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Yourself remonroad Windspar EHAIBOTTELLET

5HE-12 0 4D 004 196 614

JAN 0 5 1988

CERTIFIED MAIL RETURN RECEIPT REQUESTED

John W. Bradshaw, R.S. Department of Public Health 651 Middlebury Road Kent, Ohio 44240

> Russell Burdsall & Ward Consent Agreement and Final Order

Dear Mr. Bradshaw:

Enclosed please find a copy of the December 3, 1987, Consent Agreement and Final Order (CAFO) you requested in your September 24, 1987, letter to Mr. Paul Dimock.

If you have any further questions regarding this matter, please contact Kimberly Ogle of my staff at (312) 353-7968.

Sincerely yours,

DRIGHAL SIGNED BY WILLIAM E. MUNT

William E. Muno, Chief RCRA Enforcement Section

.Enclosure

5HE-

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P 298 725 293 RECEIPT FOR CERTIFIED MAIL NO INSURANCE COVERAGE PROVIDED NOT FOR INTERNATIONAL MAIL (See Reverse) Mn. Mark Wallach Calfee, Halter & Griswold 1800 Society Building Cleveland, OH 44114-2688 Postage Certified Fee Special Delivery Fee Restricted Delivery Fee Return Receipt showing to whom and Date Delivere Enforcement Sect. Return Receipt showing to who Date, and Address of Delivery TOTAL Postage and Form 3800, PS

On 0004 196 614

5HE-12

DEC 23 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mark Wallach Calfee, Halter & Griswold Attorneys at Law 1800 Society Building Cleveland, Ohio 44114-2888

> Re: Change of U.S. EPA Contact RB & W Corporation CAFO Docket Number: V-W-87-R-040

Dear Mr. Wallach:

This letter is to notify you that any required documents, certifications, and notifications submitted pursuant to the above-referenced Consent Agreement and Final Order (CAFO) should be addressed to: United States Environmental Protection Agency, Region V, Waste Management Division, RCRA Enforcement Section, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: Kimberly Ogle. This is a modification of paragraph E under the Order portion, page 3, of the December 3, 1987, CAFO.

If you have any questions regarding this matter, please contact Kimberly Ogle of my staff at (312) 353-7968.

## STORIGHAL SIGNED BY - WALLAN E. MUNO

William F. Muno, Chief RCRA Enforcement Section

cc: Michael Savage, OEPA-CO

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RECEIVED

DEC 1 6 1987

MIM

RB&W

December 14, 1987

U.S. E.P.A.
Region 5
230 South Dearborn St.
Chicago, Illinois 60604

004 196 614

ERNEST W. GEAR

Attn: Mr. William H. Miner, Chief
Hazardous Waste Enforcement Branch

Dear Sir:

We submit this letter in accordance with docket V-W-87-R-040 number A.

To the best of our knowledge we certify that hazardous waste is no longer being generated or stored at our facility and that all previously generated and stored hazardous wastes have been properly disposed. Attached are copies of supporting manifest.

Sincerely,

Ernest Gear

Kent Plant Manager

attachments

cc: Calfee, Halter & Griswold Attorneys At Law

EG/cr



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A b.	<u> </u>	AN ONTRO	E CORROSIVE	MAT OLOL	1 TUU 607	G K062
<b>b</b>	· ·	•	K062			# 1
C.						ur <b>,</b> €"
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J. Additional Descrip	tions for Materials Lis	ted About				
	New York				K. Handling Codes for Wast	es Listed Above
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			A 100		* * **	
15. Special Handling I	Instructions and Addition		i generalista			grander (d. 1888). Sections
	Additional and Addition	mai information	-			
l de la company			÷ .			
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16. GENERATOR'S CE proper shipping nam	RTIFICATION: I hereby ne and are classified, nac	declare that the cont	ents of this consignmen	it are fully and accur	ately described above by on for transport by highway	
according to applicat	ble international and nat	ional government ren	ulations	cts in proper condition	on for transport by highway	
economically practic	ity generator, I certify that able and that I have selec	t I have a program in	place to reduce the volu	me and toxicity of wa	iste generated to the degree I ntly available to me which min	have determined to be
into e tine at 10 HO III	an health and the environ agement method that is a	monte Office 1		ige, or disposal curre have made a good fa	ntly available to me which min ith effort to minimize my waste	imizes the present and
i i i i i i i i i i i i i i i i i i i	e		Signature On beye			
	NICK P. GEO		_////	· Thro	7)-	Month Day Year
17.Transporter 1 Ackn	e /	of Materials			0	
FAIR	My Carl		Signature	1 4	//	Month Day Year
18.Transporter 2 Acknowledge	owledgement of Receip	t of Materials		ndy/de	thring	16130187
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<u></u>	····		^			
20.Facility Owner or O Printed/Typed Name	perator; Certification of	receipt of hazardor	us materials covered	y this manifest ex	ept as noted in Item 19.	
Tinted Typed Name	)		Signature			Month Day Year
Form 8700-22 (Paul 0.5	RITZIN	CON_	10	Newy	keepe	0615087
Form 8700-22 (Rev. 9-8	Put Previous editions are	obsolete.		<i>/</i>		

٠.	EQUAL TO OR IN EXCESS OF		1000/100/10/1	CHEM TREC	= 800-424-9300	PROVIDED
	AZARDOUS WASTE ASSIGNED VALUE TO NATIONAL RESPONS		c. RQ =	EPA HOTLINE  CDC POISON CE	= 800-424-9346; ER = 404-635-5313	作権権が開発する。 1977年 - 1987年 - 19
٠.	ATER 800-424-8802	b. RQ =	d. RQ =	DOT	= 202-426-1830	
lea	ase print or type. (Form designed for use of			,,04	Form Approved, OMB No.	2050-0039. Expires 9-30
	UNIFORM HAZARDOU WASTE MANIFEST	5.5 a a 6.5		Manifest Man	is not i	on in the shaded areas required by Federa
' 1	3. Generator's Name and Mailing Add	IOIH DI UI Iress	0 4 1 9 6 6 1	140013	1 of 1 law.  A. State Manifest Document	1
	R B & W CORPORATION					
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	4. Generator's Phone ( 216 ) 67 5. Transporter 1 Company Name	3-3446	6. US EP	'A ID Number	C. State Transporter's II	) F 0 0 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
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	11. US DOT Description (Including Proper S	Shipping Name, Hazard (	Class, and ID Number)	No.	Total	14. Unit Wt/Vol Waste No.
G E	a. SPENT SULFURIC ACID F	PICKLE			,,,,,,	100 Marie 100 Ma
N E	LIQUOR (RQ 1000/454)		(1/1/2)	)	110	
R A	b. UN1832 CORROSIVE MATE	ERIAL (2)	(KOOC)	<b>/</b>	rr 5,149	G   K062
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R	<b>C.</b> (7)					
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		<u>.</u>				
	<b>d.</b>		• •			16.000
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	J. Additional Descriptions for Materials	Listed Above	um in the second		K. Handling Codes for Was	stes Listed Above
	0 n 20	5				
1 8	87 <b>3:</b> 52					
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	15. Special Handling Instructions and A	dditional Information				
	[ 15 점점] - 1. 제략:					
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	16. GENERATOR'S CERTIFICATION: I he proper shipping name and are classified	ereby declare that the co	intents of this consignment	ent are fully and accur-	ately described above by	1 22 1 1 1 1
H	according to applicable international and	d national government re	egulations.	1 1 40	Mark 10 10 10 12 12 12 12 12 12 12 12 12 12 12 12 12	
	If I am a large quantity generator, I certification economically practicable and that I have	selected the practicable	method of treatment, sto	rage, or disposal curre	ntly available to me which m	inimizac the erecent and
	future threat to human health and the en the best waste management method tha	ivironment: OR. if I am a	small quantity generator	r. I have made a good fa	ith effort to minimize my wa	ste generation and selec
	Printed/Typed Name	hall wi	Signature "On be	ehalf of"	milal	Month Day Ye
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			Olginolars			Month Day Ye
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	20.Facility Owner or Operator: Certificati	ion of receipt of hazar	dous materials covered	1 by this manifest ea	copt as poted in Item 1:	9.
			dous materials covered	d by this manifest so	Copt as poted in Item 1:	9.  Month Day Yea

EACI	ORT ANY UNRECOVERED DIS	ITY VALUE CHI	M TREC	= 80	00-424-9300	1 :	PLACARDS PROVIDED
	H HAZARDOUS WASTE ASSIGNED a c.	EP/	HOTLINE		00-424-9346		មិលសម្ព័រប្រជាជ
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0200	800 424-8802 RQ = R  print or type. (Form designed for use on elite (12-pitch) typewriter.)	4 - 122				<u> </u>	039. Expires 9-30
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3.	WASTE MANIFEST O H D 0 0 4 Generator's Name and Mailing Address	<u>11 91 61 61 11 41</u>	0 0 1 5 4	1 of 2 A State	law. Manifest Doce	ument N	umber
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	ALCHEM-TRON INC. [0]	H  D  0  7  7  7  US EPA ID N	8  6  3  0  9	The second sections	orter's Phone	ened the soft.	
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H			12. Cont		13. Total	14 Unit	List I
1	1. US DOT Description (Including Proper Shipping Name, Hazard Class,		No.	Туре	Quantity	Wt/Vo	Waste No.
E	#1 OIL SWEEPINGS	CPW	691		:		gering of the second
			0,0	D <sub>M</sub>	110	G.	N/A
b	#2 BONDERITE-WASTE CORROSIVE LIQUID	/-		i			anderskappen Statemen
	COR. UN 1760		114	D <sub>I</sub> M	770	G	D0.02
C.					220	G	N/A
	#3 SOAK CLEANER WASTE NON-HAZARDOUS		0 0 4		220	G	IWA
d		201	- Ew		1		3-12
	#4 PHOSPHATE-HAZARDOUS WASTE SOLID	CPW	0	DM	275	G	D006
L	ORM-E UN 9189  Additional Descriptions for Materials Listed Above			K Handi	ing Codes for V	Vastes L	sted Above
ીં	Additional Descriptions for Indicates Linear Services			72/	-45		g a na stituti kalendaria i Spisso. Mala 19
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	6. GENERATOR'S CERTIFICATION: I hereby declare that the content	ts of this consignment a	are fully and accu	ratelγ desc	cribed above by		
	<ol> <li>GENERATOR'S CERTIFICATION: I hereby declare that the content proper shipping name and are classified, packed, marked, and labeled according to applicable international and national government regula</li> </ol>	d, and are in all respects	s in proper condit	ratelγ desc ion for trai	cribed above by nsport by highy	vay	
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800-424-8802 ". RQ =	RQ =	DOT		202-426-1830	<u>.l</u>	
lease print or type. (Form designed for use on elite (12-pitch) t	ypewriter.)		Form A	pproved. OMB No	. 2050-0	039. Expires 9-30-88
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WASTE MANIFEST O H D  3. Generator's Name and Mailing Address	0 0 0 4 1 9 6 6 1	4 0 0 1	5 4 2 of 2	?	i.	
			A. Stat	e Manifest Docu	iment iv	umper
RBSW CORPORATION	44240		D Ctat	e Generator's ID		
800 MOGADORE ROAD, KENT, OHIO 4. Generator's Phone (216) 673-3446	44240		D. Stat	e Generalors in		and the property of
4. Generator's Phone ( 210 ) 0/3-3440  5. Transporter 1 Company Name	6. US EF	A ID Number	C Stat	e Transporter's	in	
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CLEVELAND, OHIO 44127	1949980	5 6 9 4	3 8 210	5-441 <del>-</del> 5628	<b>)</b> ************************************	
		<del></del>	Containers	_13.	14.	5, 5 15 <b>5</b> , 5 1, 2 2
11. US DOT Description (Including Proper Shipping Name, Ha	azard Class, and ID Number)	l N	o Type	Total Quantity	Unit Wt/Vol	Waste No.
g a. #5 ULTRA SOLVENT-ORM-A						100
WASTE TRICHLORETHANE - UN 2831		١٠	1	1.5 =		,
E		U <sub>I</sub>	g A DM	$\frac{1}{16} \frac{5}{5}$	G	F001
A b. #6 PICKLE FINE BOTTOM OF TANK	* 100	01.1	V		87	is a few and street
NON-HAZARDOUS	· C	PW 0	0 💋 DM	-2-7-5	G	N/A
R				110		
c.   #7 HYDROCHLORIC ACID - COR			- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1			4 44
WASTE CORROSIVE LIQUID - UN 176	.n V	0.1	0. 1 DM	55	G	D002
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	A Company of the Company		TA	• 15		
15. Special Handling Instructions and Additional Informa	tion	Action to the second second		The second secon		
	4					
16. GENERATOR'S CERTIFICATION: I hereby declare that	-				·····	1 11 11 11
proper shipping name and are classified, packed, marked, according to applicable international and national govern		spects in proper co	ondition for tra	insport by highwa	ıy	
			•	aratad ta tha dan-	ee I have	determined to be
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16. GENERATOR'S CERTIFICATION: I hereby declare that the conte	ents of this consignmen	at are fully and accu	rately described a	bove by	
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### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

### **REGION 5**

### 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF 5CS-TUB-3

DEC 1 8 1987

Honorable J.F. Greene
Office of Administrative Law Judges (A-110)
U.S. Environmental Protection Agency
401 N Street S.W.
Washington, D.C. 20460

Re: RB&W Corporation

Docket No. RCRA-V-W-87-R-040

Dear Judge Greene:

Attached is a copy of the fully executed Consent Agreement and Final Order for this case.

Respectfully submitted,

Thea D. Dunmire
Assistant Regional Counsel

hea D. Dunmuce

cc: Mark I. Wallach, Esq.
Attorney for Respondent

Beverely Shorty Regional Hearing Clerk



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

## 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF: 5HE-12

DEC 8 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mark Wallach Calfee, Halter & Griswold Attorneys At Law 1800 Society Building Cleveland, Ohio 44114-2688

Re: RB & W Corporation

Docket No.: V-W-87-R-040

Dear Mr. Wallach:

This letter is to acknowledge receipt of the Consent Agreement and Final Order signed by RB & W Corporation. A fully executed copy of the Consent Agreement and Final Order is enclosed for your file.

Your cooperation in resolving this matter is appreciated.

Sincerely yours,

William H. Miner, Chief

Hazardous Waste Enforcement Branch

Enclosure

cc: Michael Savage, OEPA

246.527.435

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Mark Wallach Calfee, Halter & Griswold Attorneys At Law 1800 Society Building Cleveland, Ohio 44114-2688

DEC 8 1987 Re: RB & W Corporation

Docket No.: V-W-87-R-040

Dear Mr. Wallach:

This letter is to acknowledge receipt of the Consent Agreement and Final Order signed by RB & W Corporation. A fully executed copy of the Consent Agreement and Final Order is enclosed for your file.

Your cooperation in resolving this matter is appreciated.

Sincerely yours,

ORIGINAL SIGNED BY WILLIAM H. MINER

William H. Miner, Chief Hazardous Waste Enforcement Branch

Enclosure V

cc: Michael Savage, OEPA

bcc: Regional Hearing Clerk

Thea Dunmire, ORC Paul Dimock, RESV

Denise Reape Robert Small, OWPE, WH-527

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INT.	10/3/87	P. E. N 11-23-87		P.S. N 11-27-47	P124/87	11/24/17	12/18	CONTRACTOR

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

IN THE MATTER OF:	)
RB & W CORPORATION	) DOCKET No.: V-W-87-R-40
800 MOGADORE ROAD KENT, OHIO 44240	) CONSENT AGREEMENT AND FINAL ORDER
EPA I.D. No.: OHD 004 196 614	

On April 9, 1987, a Complaint was filed in this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 86928, and the United States Environmental Protection Agency's (U.S. EPA) Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, U.S. EPA. The Respondent is RB & W Corporation.

The Parties to this action being desirous to settle this action enter into the following stipulations:

- Respondent has been served with a copy of the Complaint, Findings of Violation, and Order (Docket No. V-W-87-R-40) in this matter;
- 2. The Regional Administrator has jurisdiction over this matter pursuant to Section 3008 of RCRA, 42 U.S.C. §6928:
- 3. Respondent operates a facility located at 800 Mogadore Road, Kent, Ohio 44240:
- 4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint;
- 5. Respondent explicitly waives its right to request a hearing regarding the allegations contained in the Complaint;

- 6. Respondent consents to the issuance of the Order hereinafter recited, and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated; and
- 7. This Consent Agreement and Final Order shall become effective on the date it is signed by the Regional Administrator.

### ORDER

Based on the foregoing stipulations, the Parties agree to the entry of the following Order in this matter:

- A. Respondent shall, within five (5) days of the effective date of this Order, submit a certification stating that hazardous waste is no longer being generated or stored at the facility and that all previously generated and stored hazardous waste has been properly disposed. Copies of supporting manifests should accompany the certification. The U.S. EPA/Ohio Environmental Protection Agency reserves the right to perform an inspection to determine compliance with this paragraph.
- B. Respondent shall, within thirty (30) days of the effective date of this Order, submit a closure plan, prepared in accordance with the requirements contained in 40 CFR 265.112 and 265.179, which describes how and when the tank and drum storage areas were closed. Respondent shall also submit a certification of closure pursuant to 40 CFR 265.115.
- C. Respondent shall pay a civil penalty in the amount of THIRTY-FIVE THOUSAND DOLLARS (\$35,000), payable to the Treasurer of the United States of America within thirty (30) days of the effective date of this Order. Said payment shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should also be sent to both the Regional

Hearing Clerk, Planning and Management Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, 111 West Jackson Boulevard, Chicago, Illinois 60604.

- D. The U.S. EPA may collect interest on any amounts overdue under the terms of this Order at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. 63717. A late payment handling charge of \$20.00 will be imposed on a late payment. In addition, a six percent per annum penalty will be applied on any principal amount not paid within ninety (90) days of the date on which each payment is due.
- E. Respondent shall notify U.S. EPA in writing within fifteen (15) business days upon achieving compliance with this Order. This notification shall be submitted to Mr. Paul Dimock, U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: RCRA Enforcement Section. A copy of these documents shall also be submitted to Michael Savage, Division of Solid and Hazardous Waste Management, Ohio Environmental Protection Agency, 1800 WaterMark Drive, P.O. Box 1049, Columbus, Ohio 43216-1049.

Notwithstanding any other provision of the Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at the facility may present an imminent and substantial endangerment to human health or the environment.

The above Consent Agreement and Final Order consisting of 4 pages is hereby consented to by both of the parties to this proceeding.

Agreed this 13th day of Nikouski	, 1987.
RB & W Corporation, Respondent	<del></del>
By Mrse	
Title PRESIDENTIAND COS	
Agreed this 30th day of November	, 1987.
Basil G. Constantelos, Director Waste Management Division U.S. Environmental Protection Agency Region V, Complainant	_, 1907.
The above being agreed and consented to it is so ORDERED	
this 3 rg day of Jecember	<u>,</u> 1987.
Naleja, N. Hanney	
Valdas V. Adamkus Regional Administrator	
U.S. Environment/al Protection Agency Region V	

NOV 3 0 1987

### MEMORANDUM

SHEJECT: RB&W Corporation

Docket No. RCRA-V-W-87-R-040

FROM: Robert B. Schaefe Regional Counsel

Robert B. Schaefer and Basil G. Constantelos

Director, Waste Management Division

TO:

Valdas V. Adamkus

Regional Administrator

Please find attached a copy of a Consent Agreement and Pinal Order for your review and signature to resolve the above referenced matter.

The Respondent has agreed to comply with all of the applicable requirements under the Resource Conservation and Recovery Act. The proposed total penalty for violations of provisions of the Resource Conservation and Recovery Act was \$59,875. Respondent was cited for improperly storing hazardous wastes and for inadequate employee training and contingency plans. The largest component of this penalty was the \$22,500 assessed for failure to maintain containers of hazardous waste in good condition. Respondent presented evidence that the containers in question did not contain hazardous wastes, justifying a reduction in the penalty to \$35,000.

Act. SWB

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EP11930

				SECT CHIEF	11127182
	UNITED S	STATES	ENVIRONMENTAL REGION V	PROTECTION AGENCY DEPUTY REG. COUNSEL REGIONAL COUNSEL	and an experience of the second secon
IN THE MATTER OF:			)	OTHER OTHER	The state of the s
RB & W CORPORATIO			)	DOCKET No.: V-W-87-R-40	De Fatalis al la disconstituta englisen y a sinda dipensione
800 MOGADORE ROAD KENT, OHIO 44240			)	CONSENT AGREEMENT AND FINAL ORDER	

On April 9, 1987, a Complaint was filed in this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 86928, and the United States Environmental Protection Agency's (U.S. EPA) Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, U.S. EPA. The Respondent is RB & W Corporation.

EPA I.D. No.:

OHD 004 196 614

The Parties to this action being desirous to settle this action enter into the following stipulations:

- Respondent has been served with a copy of the Complaint, Findings of Violation, and Order (Docket No. V-W-87-R-40) in this matter;
- The Regional Administrator has jurisdiction over this matter pursuant to Section 3008 of RCRA, 42 U.S.C. §6928;
- Respondent operates a facility located at 800 Mogadore Road, Kent, Ohio 44240:
- Respondent neither admits nor denies the specific factual allegations contained in the Complaint;
- Respondent explicitly waives its right to request a hearing regarding 5. the allegations contained in the Complaint;

- 6. Respondent consents to the issuance of the Order hereinafter recited, and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated; and
- 7. This Consent Agreement and Final Order shall become effective on the date it is signed by the Regional Administrator.

### ORDER

Based on the foregoing stipulations, the Parties agree to the entry of the following Order in this matter:

- A. Respondent shall, within five (5) days of the effective date of this Order, submit a certification stating that hazardous waste is no longer being generated or stored at the facility and that all previously generated and stored hazardous waste has been properly disposed. Copies of supporting manifests should accompany the certification. The U.S. EPA/Ohio Environmental Protection Agency reserves the right to perform an inspection to determine compliance with this paragraph.
- B. Respondent shall, within thirty (30) days of the effective date of this Order, submit a closure plan, prepared in accordance with the requirements contained in 40 CFR 265.112 and 265.179, which describes how and when the tank and drum storage areas were closed. Respondent shall also submit a certification of closure pursuant to 40 CFR 265.115.
- C. Respondent shall pay a civil penalty in the amount of THIRTY-FIVE THOUSAND DOLLARS (\$35,000), payable to the Treasurer of the United States of America within thirty (30) days of the effective date of this Order. Said payment shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should also be sent to both the Regional

Hearing Clerk, Planning and Management Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, 111 West Jackson Boulevard, Chicago, Illinois 60604.

- D. The U.S. EPA may collect interest on any amounts overdue under the terms of this Order at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. 63717. A late payment handling charge of \$20.00 will be imposed on a late payment. In addition, a six percent per annum penalty will be applied on any principal amount not paid within ninety (90) days of the date on which each payment is due.
- E. Respondent shall notify U.S. EPA in writing within fifteen (15) business days upon achieving compliance with this Order. This notification shall be submitted to Mr. Paul Dimock, U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: RCRA Enforcement Section. A copy of these documents shall also be submitted to Michael Savage, Division of Solid and Hazardous Waste Management, Ohio Environmental Protection Agency, 1800 WaterMark Drive, P.O. Box 1049, Columbus, Ohio 43216-1049.

Notwithstanding any other provision of the Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at the facility may present an imminent and substantial endangerment to human health or the environment.

The above Consent Agreement and Final Order consisting of	4 pages is hereby
consented to by both of the parties to this proceeding.	
Agreed this 13th day of November	, 1987.
RB & W Corporation, Respondent	è
By Jaroe	_
Title PRASIDENTIAND COS	<b>~~</b>
Agreed this day of	_, 1987.
Basil G. Constantelos, Director Waste Management Division U.S. Environmental Protection Agency Region V, Complainant	
The above being agreed and consented to, it is so ORDERED	
thisday of	, 1987.

Valdas V. Adamkus Regional Administrator U.S. Environmental Protection Agency Region V

### 0 4 DEC 1987

Honorable J.F. Greene
Office of Administrative Law Judges (A-110)
U.S. Environmental Protection Agency
401 N Street S.W.
Washington, D.C. 20460

Re: RB&W Corporation
Docket No. RCRA-V-W-87-R-040

Dear Judge Greene

In response to your order dated November 17, 1987, the defendant has signed the Consent Agreement and Final Order and it is currently in sign-off at U.S EPA.

Respectfully submitted,

Thea D. Dunmire Assistant Regional Counsel

oc Mark I. Wallach, Esq. Attorney for Respondent

> Beverely Shorty Regional Hearing Clerk

bcc: Lynn Peterson Paul Dimock, 5HE-12

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

DATE: November 23, 1987

SUBJECT: RB&W CAFO

FROM: Thea Dunmire

pl

TO: Paul Dimmock

Enclosed find 2 executed copies of the CAFO sent to me by Mark Wallach. Please start it thru sign-off. I'd like to get sign-off completed next week because I have to send another status report to the ALJ by the end of next week.

## Calfee, Halter & Griswold

Attorneys at Law 1800 Society Building East Ninth & Superior Cleveland, Ohio 44114-2688

> (216) 781-2166 Telex 980499

November 19, 1987

Thea Dunmire
Assistant Regional Counsel
U.S. EPA - Region V
230 South Dearborn Street
Chicago, IL 60604

Re: RB&W Corporation, RCRA Docket No. V-W-87 R-040

Dear Ms. Dunmire:

Enclosed are two executed originals of the Consent Agreement and Final Order in the above-captioned matter. Of course, this agreement is subject to the clarification described in my letter to you of October 23, 1987.

Please let me know when this agreement has been approved and signed by the appropriate government officials.

Thank you for your assistance in this matter.

Mark I. Wallach

MIW: fmm

Enclosures

CC - Paul Dimock



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

#### **REGION 5**

# 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF: 5CS-TUB-3

NOV 1 3 1987

Honorable J.F. Greene
Office of Administrative Law Judges (A-110)
U.S. Environmental Protection Agency
401 N Street S.W.
Washington, D.C. 20460

Re: RB&W Corporation

Docket No. RCRA-V-W-87-R-040

Dear Judge Greene:

In response to your order dated October 22, 1987, counsel for the defendant has informed me that the last Consent Agreement and Final Order prepared by U.S. EPA is currently being circulated for signature at RB&W.

Respectfully submitted,

Thia D. Dunmire

Thea D. Dunmire
Assistant Regional Counsel

cc: Mark I. Wallach, Esq.
Attorney for Respondent

Beverely Shorty Regional Hearing Clerk

# RCRA CONSENT AGREEMENT AND FINAL ORDER SIGN-OFF

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		Initials	Date	Agree	Disagree	
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	Asst. Regional Counsel	10	7-16-8	1/		chane
	Chief, S.W.E.R. Sect.	Em	7-16-89			Chang
PART III	RETURN TO ORC ASSIGNEE FOR	TRANSMITTAL OF	F DRAFT TO TH	HE FACILI	TY	
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strendinel	Deputy, Regional Counsel	Mr	<del></del> ·			
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him to	Regional Administrator				<u> </u>	

RETURN TO D. REAPE, 5HE-12, FOR MAILING PART V

COPY SENT TO REW 10-7-87

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

IN THE MATTER OF:	)
	) DOCKET No.: V-W-87-R-40
RB & W CORPORATION	j
800 MOGADORE ROAD	) CONSENT AGREEMENT AND
KENT, OHIO 44240	) FINAL ORDER
·	)
EPA I.D. No.: OHD 004 196 614	)

On April 9, 1987, a Complaint was filed in this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 86928, and the United States Environmental Protection Agency's (U.S. EPA) Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, U.S. EPA. The Respondent is RB & W Corporation.

The Parties to this action being desirous to settle this action enter into the following stipulations:

- Respondent has been served with a copy of the Complaint, Findings of Violation, and Order (Docket No. V-W-87-R-40) in this matter;
- 2. The Regional Administrator has jurisdiction over this matter pursuant to Section 3008 of RCRA, 42 U.S.C. §6928;
- 3. Respondent operates a facility located at 800 Mogadore Road, Kent, Ohio 44240;
- 4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint;
- 5. Respondent explicitly waives its right to request a hearing regarding the allegations contained in the Complaint;

- 6. Respondent consents to the issuance of the Order hereinafter recited, and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated; and
- 7. This Consent Agreement and Final Order shall become effective on the date it is signed by the Regional Administrator.

#### ORDER

Based on the foregoing stipulations, the Parties agree to the entry of the following Order in this matter:

- A. Respondent shall, within five (5) days of the effective date of this Order, submit a certification stating that hazardous waste is no longer being generated or stored at the facility and that all previously generated and stored hazardous waste has been properly disposed. Copies of supporting manifests should accompany the certification. The U.S. EPA/Ohio Environmental Protection Agency reserves the right to perform an inspection to determine compliance with this paragraph.
- B. Respondent shall, within thirty (30) days of the effective date of this Order, submit a closure plan, prepared in accordance with the requirements contained in 40 CFR 265.112 and 265.179, which describes how and when the tank and drum storage areas were closed. Respondent shall also submit a certification of closure pursuant to 40 CFR 265.115.
- C. Respondent shall pay a civil penalty in the amount of THIRTY-FIVE THOUSAND DOLLARS (\$35,000), payable to the Treasurer of the United States of America within thirty (30) days of the effective date of this Order. Said payment shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should also be sent to both the Regional

Hearing Clerk, Planning and Management Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, 111 West Jackson Boulevard, Chicago, Illinois 60604.

- D. The U.S. EPA may collect interest on any amounts overdue under the terms of this Order at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. 63717. A late payment handling charge of \$20.00 will be imposed on a late payment. In addition, a six percent per annum penalty will be applied on any principal amount not paid within ninety (90) days of the date on which each payment is due.
- E. Respondent shall notify U.S. EPA in writing within fifteen (15) business days upon achieving compliance with this Order. This notification shall be submitted to Mr. Paul Dimock, U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: RCRA Enforcement Section. A copy of these documents shall also be submitted to Michael Savage, Division of Solid and Hazardous Waste Management, Ohio Environmental Protection Agency, 1800 WaterMark Drive, P.O. Box 1049, Columbus, Ohio 43216-1049.

Notwithstanding any other provision of the Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at the facility may present an imminent and substantial endangerment to human health or the environment.

The above Consent Agreement and Final	Order consisting of 4 pages is hereby
consented to by both of the parties t	o this proceeding.
Agreed this day of	, 1987.
RB & W Corporation, Respondent	
Ву	
Title	
Agreed this day of	, 1987.
Basil G. Constantelos, Director Waste Management Division U.S. Environmental Protection Agency Region V, Complainant	
The above being agreed and consented	to, it is so ORDERED
this day of	, 1987.

Valdas V. Adamkus Regional Administrator U.S. Environmental Protection Agency Region V



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

#### **REGION 5**

# 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF: 5CS-TUB-3

Honorable J.F. Greene
Office of Administrative Law Judges (A-110)
U.S. Environmental Protection Agency
401 N Street S.W.
Washington, D.C. 20460

Re: RB&W Corporation

Docket No. RCRA-V-W-87-R-040

Dear Judge Greene:

To update you on the status of this case per your order dated September 29, 1987, the parties have reached tenative agreement regarding both the technical issues and the amount of the penalty. A Consent Agreement and Final Order has been prepared and sent to the respondent for signature.

Respectfully submitted,

Thea D. Dunmire Assistant Regional Counsel

cc: Mark I. Wallach, Esq.
Attorney for Respondent

Beverely Shorty Regional Hearing Clerk

### DA OCT 1987

Mr Mark I. Wallach Cafree Halter & Griswold 1800 Society Building Cleveland Ohio 44114-2688

Re: RB&W Corporation Docket NO: V-W-87-R-040

Dear Mr. Wallach.

Enclosed please find a Consent Agreement and Final Order (CAFO) which reflects the terms we have negotiated to date. Please review the CAFO and if it is acceptable, have the two originals signed by the appropriate party or parties.

Upon the approval of upper management, the United States Environmental Protection Agency will sign both documents and return one to you.

Sincerely,

Thea D Dunmire Assistant Regional Counsel

Enclosure

bec: Paul E. Dimock (5HE-12)

### Calfee, Halter & Griswold

Attorneys at Law 1800 Society Building East Ninth & Superior Cleveland, Ohio 44114-2688

> (216) 781-2166 Telex 980499

September 18, 1987



Paul E. Dimock RCRA Enforcement Section U.S. EPA - Region V 230 South Dearborn Street Chicago, IL 60604

Re: RB&W Corporation,

Docket No.V-W-87 R-040

Dear Paul:

Enclosed are the manifests and other documentation relating to the disposal of the process liquids from the plating lines at RB&W Corporation.

I understand that the sludges will be removed from the hazardous waste storage area sometime next week. As soon as I receive the documentation for that removal, I will forward it to you.

We look forward to reviewing the next draft of your proposed Consent Agreement.

Very truly yours,

Mark I. Wallach

MIW: fmm

Enclosures

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15. Special Handling Instructions and Ad	ditional Information				·			
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16. GENERATOR'S CERTIFICATION: I he	reby declare that the	contents of this cons	signment are ful	lly and accur	ately describ	ed above by		
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the best waste management method tha		nd that I can afford.						Month Day Year
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ZARDOUS MATERIALS PUBLISHING CO., KUTZTOWN, PA. 19530, 215–683-6721

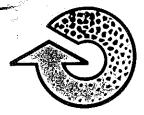
REPORTABLE QUANTITY VALUE RQ's - 5000/1000/100/10/1 MY UNRECOVERED DIS-CHEM TREC SE EQUAL TO OR IN EXCESS OF CH HAZARDOUS WASTE ASSIGNED "RQ" VALUE TO NATIONAL RESPONSE = 800-424-9346 **EPA HOTLINE** CDC POISON CENTER = 404-635-5313 RQ = RQ = = 202-426-1830 CENTER RQ = RQ = 800-424-8802 Form Approved. OMB No. 2050-0039. Expires 9-30-88 (Form designed for use on elite (12-pitch) typewriter.) Please print or type. Information in the shaded areas is not required by Federal 1. Generator's US EPA ID No. UNIFORM HAZARDOUS Bochmant 20 QHDQQ4196614 law. WASTE MANIFEST A. State Manifest Document Number Generator's Name and Mailing Address RBSW CORPORATION B. State Generator's ID 800 MOGADORE ROAD, KENT, OHIO 673-3446 216) Generator's Phone ( C. State Transporter's ID US EPA ID Number 52234-HW Transporter 1 Company Name 2 D. Transporter's Phone 980568 456-6238 ENVIRITE CORPORATION E. State Transporter's ID Transporter 2 Company Name F. Transporter's Phone G. State Facility's ID 9. Designated Facility Name and Site Address ENVIRITE CORPORATION H. Facility's Phone 2050 CENTRAL AVENUE, S.E, (216) 456-6238 онр 9 8 0 5 6 8 9 9 CANTON, OHIO 44707 Unit Wt/Vo Total 11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number) Waste No. Quantity Туре No. SPENT SULFURIC ACID PICKLE LIQUOR (RQ 1000/454) K062 G K062 UN1832 CORROSIVE MATERIAL (2) C. d. K. Handling Codes for Wastes Listed Above Additional Descriptions for Materials Listed Above 15. Special Handling Instructions and Additional information 16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can affor Printed/Typed Name 3 3 4 NICK P. GEORGE 17.Transporter 1 Acknowledgement of Receipt of Materials Month Day Year Signature Printed Typed Name 0,3 |3 |1 |8 |7 18.Transporter 2 Acknowledgement of Receipt of Month Day Year Signature Printed/Typed Name 19.Discrepancy Indication Space 20.Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Month Day Printed/Typed Name 0319/18 TZINGER EPA Form 8700-22 (Rev. 9-86) Previous editions are obsolete

PLACARDS

PROVIDED

= 800-424-9300

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# IRITE CORPORATION

TECHNOLOGY FOR THE ENVIRONMENT

March 19, 1987

Nick George R. B. & W. Corporation 800 Mogadore Road Kent, Ohio 44240

DISPOSAL OF YOUR HAZARDOUS WASTE RE:

Please find enclosed Envirite's non-hazardous certification for your waste stream:

Spent Sulfuric Acid

This certificate may be used to show that this waste stream has been rendered non-hazardous by Envirite's delisted process. At this point, your RCRA hazardous waste liabilities for this waste material are ended.

We suggest you file this document with your hazardous waste manifest.

Thank you for your concern in wishing to properly dispose of your waste solution in an environmentally sound manner.

Sincerely\_yours,

William P. Devan

Sales Manager

WPD:dcb

Enclosure(s)

# NONHAZARDOUS CERTIFICATION

This is to certify that <u>sulfuric acid</u> waste received <u>3/31/87</u> from <u>R B &amp; W CORP.</u>	7on manifest
# <u>00153</u> has been rendered nonhazardous in full com the terms of Envirite Corporation's delisting petition granted by the November 6, 1986.	ipliance with
Having changed this hazardous waste into a nonhazardous materi Corporation has eliminated all <u>RB_&amp;WCorp.'s</u> fu waste liability for this material under RCRA (Resource Conservation of Act of 1976).	ture hazardous

Geoffrey Stengel, Jr. President Robert I hut

Operations Manager

# ENVIRITE

Corporate Headquarters
Plymouth Meeting, Pennsylvania 19462

alistores

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

IN THE MATTER OF:

RB & W CORPORATION 800 MOGADORE ROAD KENT, OHIO 44240

EPA I.D. No.: OHD 004 196 614

DOCKET No.: V-W-87-R-40

CONSENT AGREEMENT AND FINAL ORDER

On April 9, 1987, a Complaint was filed in this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. §6928, and the United States Environmental Protection Agency's (U.S. EPA) Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, U.S. EPA. The Respondent is RB & W Corporation.

The Parties to this action being desirous to settle this action enter into the following stipulations:

- Respondent has been served with a copy of the Complaint, Findings of Violation, and Order (Docket No. V-W-87-R-40) in this matter;
- The Regional Administrator has jurisdiction over this matter pursuant to Section 3008 of RCRA, 42 U.S.C. §6928;
- Respondent operates a facility located at 800 Mogadore Road, Kent,
   Ohio 44240;
- 4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint;
- 5. Respondent explicitly waives its right to request a hearing regarding the allegations contained in the Complaint;

- 6. Respondent consents to the issuance of the Order hereinafter recited, and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated; and
- 7. This Consent Agreement and Final Order shall become effective on the date it is signed by the Regional Administrator.

#### ORDER

Based on the foregoing stipulations, the Parties agree to the entry of the following Order in this matter:

- A. Respondent shall, within five (5) days of the effective date of this Order, submit a certification stating that hazardous waste is no longer being generated or stored at the facility and that all previously generated and stored hazardous waste has been properly disposed. Copies of supporting manifests should accompany the certification. The U.S. EPA/Ohio Environmental Protection Agency reserves the right to perform an inspection to determine compliance with this paragraph.
- B. Respondent shall, within thirty (30) days of the effective date of this Order, submit a closure plan, prepared in accordance with the requirements contained in 40 CFR 265.112 and 265.179, which describes how and when the tank and drum storage areas were closed. Respondent shall also submit a certification of closure pursuant to 40 CFR 265.115.
- C. Respondent shall pay a civil penalty in the amount of FORTY-FIVE THOUSAND DOLLARS (\$45,000), payable to the Treasurer of the United States of America within thirty (30) days of the effective date of this Order. Said payment shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should also be sent to both the Regional

Hearing Clerk, Planning and Management Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, 111 West Jackson Boulevard, Chicago, Illinois 60604.

- D. The U.S. EPA may collect interest on any amounts overdue under the terms of this Order at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717. A late payment handling charge of \$20.00 will be imposed on a late payment. In addition, a six percent per annum penalty will be applied on any principal amount not paid within ninety (90) days of the date on which each payment is due.
- E. Respondent shall notify U.S. EPA in writing within fifteen (15) business days upon achieving compliance with this Order. This notification shall be submitted to Mr. Paul Dimock, U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: RCRA Enforcement Section. A copy of these documents shall also be submitted to Michael Savage, Division of Solid and Hazardous Waste Management, Ohio Environmental Protection Agency, 1800 WaterMark Drive, P.O. Box 1049, Columbus, Ohio 43216-1049.

Notwithstanding any other provision of the Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at the facility may present an imminent and substantial endangerment to human health or the environment.

The above Consent Agreement and Final Order consisting of	4 pages is hereby
consented to by both of the parties to this proceeding.	
Agreed this day of	_, 1987.
RB & W Corporation, Respondent	
Ву	
Title	
Agreed this day of	_, 1987.
Basil G. Constantelos, Director Waste Management Division U.S. Environmental Protection Agency Region V, Complainant	
The above being agreed and consented to, it is so ORDERED	
this day of	_, 1987.

Valdas V. Adamkus Regional Administrator U.S. Environmental Protection Agency Region V

#### SEP 1 1 1987

Mr. Mark Wallach Calfee, Halter & Griswold Attorneys At Law 1800 Society Building Cleveland, Ohio 44114-2688

Re: RB & W Corporation

Docket No.: V-W-87-R-040

Dear Mr. Wallach:

This is to confirm in writing our telephone request of September 8, 1987, for additional information concerning RB & W Corporation. Specifically, we asked for documentation of the removal and final disposition of the CAD plating line solution, including any associated sludges. Also, we would like to know the status of the CAD plating line equipment. We understand that RB & W Corporation was trying to sell this equipment.

We believe that substantial progress has been made towards settlement of this case and suggest that a conference call be held with you and your client to further discuss settlement. We have set aside the morning of Wednesday, September 16, 1987, for this purpose.

Please contact me at (312) 886-4436, so that a definite time can be set if this date is convenient for you, or an alternate date be established if it is not convenient.

Sincerely,

Paul E. Dimock RCRA Enforcement Section

bcc: James Brossman Thea Dunmire, ORC

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# Calfee, Halter & Griswold

Aftorneys at Law 1800 Society Building East Ninth & Superior Cleveland, Ohio 44114-2688

> (216) 781-2166 Telex 980499

July 31, 1987

Thea Dunmire
Assistant Regional Counsel
U.S. EPA - Region V
230 South Dearborn Street
Chicago, IL 60604

Re: RB&W Corporation, RCRA Docket No. V-W-87 R-040

Dear Ms. Dunmire:

I have had an opportunity to review your proposed Consent Agreement and Final Order with my client, and can make the following responses. Several of the subsections of paragraph B of the proposed Order, as I have previously discussed with you, appear to be moot. In particular, paragraphs 3 and 4 do not appear to be necessary, in view of the discontinuation of generation and storage of hazardous wastes by RB&W. In addition, while RB&W has no objection to complying with the requirements of proposed subparagraph 6, the 30 days provided is probably not adequate; I would suggest 90 days as a more appropriate period.

In addition, as we have previously discussed, the proposed civil penalty is excessive and not agreeable to RB&W. We remain willing to pay a civil penalty in the amount of \$30,000, as was previously offered.

If U.S. EPA is willing to execute a Consent Agree- ment and Final Order with the modifications discussed above,

#### Calfee, Halter & Griswold

Linda M. Bullen, Esq. May 29, 1987 Page 2

RB&W will be happy to bring this matter to a close. Please let me know your response to these comments as soon as possible.

Very truly yours

Mark I. Wallach

MIW: fmm

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	20.Facility Owner or Operator: Certific	ation of receipt of ha	Signatore	ered by this mani	7 A I	- 11. 11.011 10.	Month Day Yea			
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DEC 1 6 1987

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RB&W

ERNEST W. GEAR PLANT MANAGER

December 14, 1987

CAFO Order A

U.S. E.P.A.
Region 5
230 South Dearborn St.
Chicago, Illinois 60604

Attn: Mr. William H. Miner, Chief

Hazardous Waste Enforcement Branch

Dear Sir:

We submit this letter in accordance with docket V-W-87-R-040 number A.

To the best of our knowledge we certify that hazardous waste is no longer being generated or stored at our facility and that all previously generated and stored hazardous wastes have been properly disposed. Attached are copies of supporting manifest.

Sincerely,

Ernest Gear

Kent Plant Manager

attachments

cc: Calfee, Halter & Griswold

Attorneys At Law

EG/cr

		./pe. (Form designed for use of					· · · · · ·	oproved OMB	No. 2050-	0039. Expires	9-30-88
. 1	ار اا	MIFORM HAZARDOUS WASTE MANIFEST	1. Generator's US EPA ID OHD004196614	No.	Manifest Doc		of	1 is no	t required	the shaded by Federal	
		Generator's Name and Mailing Ad R.B.&W. CORP.	dress				A, Sta	te Manifest I	Ocumen	t Number	÷
	8	300 Mogadore Road	, Kent, OH 442 673-3446	240			B. Sta	te Generato	's ID		
		Transporter 1 Company Name	6	S. US	EPA ID Numbe	er	C. Sta	te Transport	er's ID		52
		ENVIRITE CORPORA	ATION L		80568992			nsporter's P		216-456-	6238
	7.	Transporter 2 Company Name	8 <b>i</b>	s. US	EPA ID Numbe	er		te Transport nsporter's Pi		tana ta	141
П	9.	Designated Facility Name and Sit	te Address 1	10. US	EPA ID Numbe	er	<del>•</del>	te Facility's			
		Envirite Corporation							4		
		2050 Central Ave., S.E.	1	OHEN	0050000		H. Fac	cility's Phone		°C 0000	÷
Ш	-	Canton, OH 44707			80568992	12. Conta	iners	13.	14.	6-6238	
   G	11.	US DOT Description (Including P	Proper Shipping Name, Haza	rd Class and	ID Number)	1 .	Туре	Total Quantity	Unit Wt/Vol	Waste	No.
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П	15.	Special Handling Instructions a	nd Additional Information				-				
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c	B7	10: 41									
П	16	GENERATOR'S CERTIFICATION: I h	ereby declare that the contents	of this consign	ment are fully an	i accurately	described	above by		· · · · · · · · · · · · · · · · · · ·	
	10.	proper shipping name and are classif according to applicable international	ied, packed, marked, and labele	d, and are in al	I respects in pro	per condition	for transp	ort by highwa	у		
$\  \ $		If I am a large quantity generator, I d	certify that I have a program in	place to reduc	e the volume and	toxicity of v	vaste ger	erated to the	degree I h	ave determine	d to be
		economically practicable and that I I future threat to human health and th	have selected the practicable me	ethod of treatn	nent, storage; or	disposal curi	rently ava	ilable to me w	thich minin	nizes the pres	ent and
$\prod$		the best waste management method		can afford.	ature		1			Month Day	
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┢	17.	. Transporter 1 Acknowledgemen		<u></u>							7107
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۲	19.	Discrepancy Indication Space		<u> </u>							
F											
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Ιï	20	Facility Owner or Operator: Cer	tification of receipt of hazar	dous materia	als covered by	this manife	st exce	pt as noted i	n Item 19		
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	ENTER	b.	d.	DOT	ISON CEN		04635-5313 02426-1830		
Dia	800-424-8802 ase print or type. (Form designed for use on	RQ =	RQ =					ا	0039. Expires 9-30-88
100	UNIFORM HAZARDOUS	1 Generator	S US EPA ID No	_ M	lanifest	2 Page 1	Informati	on in t	he shaded areas
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	ALCHEM-TRON INC.		O H D 0 7			.,	orter's Phone		
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	ALCHEM-TRON INC.					10 M 2			
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I BEFORI ANI DIMECOVENCO DIO	RTABLE QUANTITY VALUE Q's - 5000/1000/100/10/1	CHEM TREC	= 800-424-9300	PROVIDED
FACH HAZARDOUS WASTE ASSIGNED	c	EPA HOTLINE	= 800-424-9346	
"RO" VALUE TO NATIONAL RESPONSE RO	= RQ =	1	TER = 404-635-5313	
800-424-8802 P. RO	=	рот	= 202-426-1830	
Please print or type. (Form designed for use on elite (12-				2050-0039. Expires 9-30-88
WASTE MANIFEST 0	Generator's US EPA ID No. HD0041966	Manifest Na Document Na	1 of Z is not law.	n in the shaded areas equired by Federal
3. Generator's Name and Mailing Address RBFW CORPORATION	247		A. State Manifest Docu	ment Number
800 MOGADORE ROAL	n - KENT . MAIN	44740	B. State Generator's ID.	
200 POLGADORE ROM	- 744/	, , , ,	man jakan	
4. Generator's Phone (216) 673 - 5. Transporter 1 Company Name	<u> フマタル</u> 6. US	EPA ID Number	C. State Transporter's II	OHD981795206
ALCHEM-TRON INC	$_{ \mathcal{O} }\mathcal{H}_{ \mathcal{D} }\mathcal{P}_{ \mathcal{B} }$	1795206	D. Transporter's Phone	216-659-4813
7. Transporter 2 Company Name	8. US	EPA ID Number	E. State Transporter's it	0
			F. Transporter's Phone	
9. Designated Facility Name and Site Address - ALCHEM - TROW /NC	, ,	EPA ID Number	G. State Fecility's ID	
7415 BESSEMER A	# (1 D /1 /)	0,5,6,9,4,3,8	H. Facility's Phone	441-5128
CLEVELAND, OHIO 4412		12. Cont	ainers 13.	441-5628
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			T21-45	•
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according to applicable international and national	l government regulations.			
If I am a large quantity generator, I certify that I he economically practicable and that I have selected	the practicable method of treatmen	it, storage, or disposal Cuff	rently available to me which	i minimizes the present and
future threat to human health and the environmen	nt; OR, if I am a small quantity gene	erator, I have made a good	faith effort to minimize my v	vaste generation and select
the best waste management method that is avail.  Printed/Typed Name	Signature	on behalf of	9	Month Day Yea
Wick Y, GEORG	E- /1/	Inch J.	Kroge	091218181
T 17.Transporter 1 Acknowledgement of Receipt of	f Materials			
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18.Transporter 2 Acknowledgement of Receipt of Printed/Typed Name	or Materials Signature	9		Month Day Yea
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19.Discrepancy Indication Space				
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Y Printed/Typed Name	\ { Signadulr			Month Day Yea
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# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

# REGION 5

# 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

25 JUN 1987

REPLY TO THE ATTENTION OF:

Honorable J.F. Greene
Office of Administrative Law Judges (A-110)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Re: RB & W Corporation

Docket No. RCRA-V-W-87-R-040

Dear Judge Greene:

In response to your letter dated June 16, 1987, efforts have been made to settle this matter. A conference call was held on May 8, 1987 between the parties. During this call the violations cited in the complaint were discussed. RB & W expressed a willingness at that time to pay part of the penalty. On May 29, 1987 laboratory analysis reports relating to one of the observations were fowarded to EPA by respondent's counsel in order to further negotiation.

A discussion by telephone was held on June 22, 1987 between counsel for the respondent and myself. This discussion clarified the main area of dispute hindering settlement. It is believed that it may be possible to resolve this dispute, in which case settlement can be reached.

Respectfully submitted,

Thea Dunmire

Thea Dunmire Assistant Regional Counsel

cc: Mark I. Wallach, Esq. Attorney for Respondent

Beverely Shorty Regional Hearing Clerk

# Calfee, Halter & Griswold

Attorneys at Law 1800 Society Building East Ninth & Superior Cleveland, Ohio 44114-2688

> (216) 781-2166 Telex 980499

May 29, 1987



Linda M. Bullen, Esq. Assistant Regional Counsel U.S. EPA - Region V 230 South Dearborn Street Chicago, IL 60604

> Re: RB&W Corporation, Docket No. V-W-87 R-040

Dear Linda:

Enclosed is a copy of the Answer and Request for Hearing which I am filing in the above-captioned matter. I understand that the filing of this document will not interfere with the pursuit of our settlement negotiations.

To further those negotiations, I am enclosing the Waste Profile Data Form and Lab Report from Alchem Labs regarding the two barrels of material which were described in the letter describing the December 8, 1986 investigation as not having been tightly covered, and which allegedly contained hazardous waste. The Lab Report confirms that the materials contained in those drums were not, in fact, hazardous.

As I told you today on the telephone, regarding the plating tanks which are no longer operating, the Cad plating line was taken out of production on April 30, 1987, at which time samples indicated that the plating solution was still useable. The Phosphating/Coating line has been completely emptied of all liquids, which were disposed of through Enivrite and rendered non-hazardous on March 31, 1987. Tank sludge will be disposed of as part of final closure if no sale is completed.

# Calfee, Halter & Griswold

Linda M. Bullen, Esq. May 29, 1987 Page 2

Consequently, RB&W considers the plating solution in the Cad plating line to be process material, and not waste material at the present time.

I look forward to hearing from you further regarding the proposed settlement of this matter.

Very truly yours, /

Mark I. Wallach

MIW: fmm

Enclosures

c: Mr. Paul Dimock (w/enclosures)

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

IN THE MATTER OF:	)	
	)	
RB&W Corporation	)	
800 Mogadore Road	)	
Kent, Ohio 44240	)	
(EPA ID No. OHD 004 196614)	1	Docket No. V-W-87 R-040

# ANSWER AND REQUEST FOR HEARING

Respondent, RB&W Corporation ("RB&W"), for its

Answer to the Complaint, Findings of Violation and Compliance Order filed by United States Environmental Protection

Agency, Region V ("U.S. EPA"), says as follows:

## I. PRELIMINARY STATEMENT

RB&W disputes the statements and conclusions contained in the three unnumbered introductory paragraphs of U.S. EPA's Complaint, for the reasons stated in the following specific denials.

# II. JURISDICTION

RB&W does not dispute U.S. EPA's jurisdiction over this matter. However, RB&W denies that the Complaint and Compliance Order actually seek to enforce federal and state regulations as applicable.

# III. FINDINGS OF VIOLATION

- 1. RB&W denies that the facility which it operates at 800 Mogadore Road, Kent, Ohio 44240 either generates or stores hazardous waste.
- 2. RB&W states that Section 3010(a) of RCRA speaks for itself, and otherwise denies the allegations contained in paragraph 2 of the Findings of Violation.
- 3. RB&W states that U.S. EPA's regulations concerning the generation, transportation, treatment, storage or disposal of hazardous wastes speak for themselves.
- 4. RB&W states that Section 3005(a) of RCRA, and the regulations promulgated by U.S. EPA pursuant thereto speak for themselves.
- 5. RB&W states that Section 3005(e) of RCRA speaks for itself, and specifically denies that such section is applicable to RB&W.
- 6. RB&W admits the allegations contained in paragraph 6 of the Findings of Violation.
- 7. RB&W admits the allegations contained in paragraph7 of the Findings of Violation.
- 8. RB&W denies the allegations contained in paragraph 8 of the Findings of Violation, and specifically denies that it either generates or stores hazardous waste in tanks and containers at the present time.

- 9. RB&W admits that Ohio EPA conducted RCRA inspections of RB&W's facility on the dates indicated, and communicated certain alleged violations to RB&W at various times subsequent to those inspections, but specifically denies that many of the alleged violations actually occurred. ticular, RB&W denies that the violation alleged in subparagraph 1 of paragraph 9 actually occurred, and specifically avers that the material found on top of the five covered drums was not waste material leaking or otherwise escaping from those drums, and further specifically avers that the two drums alleged not to have been tightly covered did not contain hazardous wastes of any kind, as established by laboratory reports. RB&W further specifically denies that any of the alleged violations were or are continuing. of the violations alleged which may have occurred were inadvertent and/or due to problems with employee discipline, and occurred despite the good faith efforts of RB&W to comply with RCRA regulations.
- 10. RB&W admits the allegations contained in paragraph
  10 of the Findings of Violation.
- 11. RB&W admits the allegations contained in paragraph
  11 of the Findings of Violation.

# IV. COMPLIANCE ORDER

RB&W denies that any Compliance Order is required or appropriate, since RB&W no longer generates or stores any hazardous wastes. To the extent any Compliance Order requiring documentation of that fact is deemed appropriate, the Compliance Order set forth in paragraphs A, B, C, and D of the proposed Compliance Order is unnecessary and overbroad.

# V. PROPOSED CIVIL PENALTY

RB&W denies that any of the violations cited were "serious", that there was any potential harm to human health and the environment, that any of the alleged violations were continuing, or that any civil penalties are appropriate. Should any civil penalties be deemed appropriate, RB&W states that the amount proposed to be assessed by U.S. EPA is grossly disproportionate to the violations alleged, and ought to be reduced substantially.

# VI. NOTICE OF OPPORTUNITY FOR HEARING

Respondent, RB&W, hereby requests a hearing to contest the allegations disputed in the above specific denials, and, in particular, to dispute the following:

(1) that any of the violations alleged were serious, or that any of such violations posed

the potential of harm to human health and/or the environment;

- (2) that any of the violations alleged in the Findings of Violation were or are continuing;
- in good condition in violation of Ohio Administrative Code 3745-66-71, 40 C.F.R. 265.171, as alleged in the penalty summary attached as "Attachment 1" to the Complaint. In particular, RB&W denies that any leaking drums were identified by Ohio EPA in any of its inspections of RB&W's facility, and specifically denies that any drums containing hazardous wastes were not tightly covered.

RB&W also seeks to raise, as affirmative defenses, its good faith efforts to achieve and maintain compliance with applicable RCRA regulations, and the fact that RB&W no longer generates or stores hazardous wastes at its Kent facility, and, therefore, ought not to be required to undertake many of the provisions of the proposed Compliance Order.

WHEREFORE, Respondent, RB&W, asks that the Complaint, Findings of Violation and Compliance Order be dismissed or modified in accordance with the above denials and averments, that the proposed Compliance Order be vacated or modified as

set forth above, and that the proposed civil penalty be vacated or reduced as discussed above.

MARK I. WALLACH CALFEE, HALTER & GRISWOLD 1800 Society Building Cleveland, OH 44114 (216) 781-2166

Attorney for Respondent RB&W Corporation

# CERTIFICATE OF SERVICE

Copies of the foregoing Answer of Respondent RB&W Corporation were served by United States Mail, postage prepaid, on this 28th day of May, 1987 to the following:

Regional Hearing Clerk U.S. EPA - Region V 230 South Dearborn Street Chicago, IL 60604

Linda M. Bullen, Esq. Assistant Regional Counsel U.S. EPA - Region V 230 South Dearborn Street Chicago, IL 60604

Mr. Paul Dimock
Waste Management Division
RCRA Enforcement Section
U.S. EPA - Region V
230 South Dearborn Street
Chicago, IL 60604

Regional Administrator U.S. EPA - Region V

230 South Dearborn Street Chicago, IL 60604

One of the Attorneys for Respondent RB&W Corporation



# DIVISION OF ALCHEM-TRON, INC.

7415 Bessemer Ave., Cleveland, Ohio 44127, 12181 441 5629

Pate Received	1/19/87	Customer I.D. #	oil sweepin
•		P.O. #	BN
RB&W.		Date Reported	1/23/87
800 Moga Kent, Ohi		Alchem-Lab #	
	. Nick George	Description	
•			
EP Tox/ E	extraction: (SW846)		
	Arsenic	<.10mg/l	
	Selenium	<.10mg/1	4
	Lead	<.10mg/1	•
	Cadmium	<.10mg/1	
	Barium	<.10mg/1	
	Chromium	<.10mg/1	
	Silver	<.10mg/I	
	Mercury	<.01mg/1	
As Receiv	ed:		
	pH	6 (10% Disper	sion)
	Color	Black	·
1	Texture	solid	
	Layer -	none	

none

>140 F mas 23 3

1.0 at 75°F

ab Manager

Flash Point

Specific Gravity at temp.

# WAST PROFILE DATA FORM

2 DRUMS A 08682

	The state of the s		04500410144					
A GENERATOR NAME LPS	W COR	<u>P.</u>	B GENERATOR EPA ID NO. 0 H, D, O, O, 4, 1, 9,6,6,1,47					
C FACILITY ADDRESS   800 M	10GADORE		STATE OH ZIP 44,240					
SHUNG ADDRESS   SOU A	BILLING ADDRESS 800 MOGADORE PORTO STATE OH ZIP 4121401							
D BUSINESS CONTACT NICK GEORGE TITLE PLANT ENGINGER PHONE 216-673-3446								
E TECHNICAL CONTACTL 5A	2116	TITLE	SAME PHONEL SANCE					
F GENERATOR'S COM	MON NAME FOR THE WAS	STE	EPA HAZARDOUS WASTE NUMBER(S)					
OIL SWEEP.	1265		NON HAZ.					
G DOT SHIPPING DESCRIPTION	W/A		DOT HAZARDOUS CLASS L N/A JUNINA# L N/A					
H PROCESS GENERATING WASTE								
I ANNUAL QUANTITY	····		MEASURE WILL BE SHIPPED PER:					
□ WEEK □ MONTH □ QUARTER □	YEAR ONE TIME []							
	COMPOSITION		K PHYSICAL PROPERTIES					
CONSTITUENT	ANALYSIS (%)	RANGE (%)	COLOR BLACK ODOR: MONE STRONG MILD DESCRIBE:					
WATER			PHYSICAL STATE AT 70°F:					
			SOLID   LIQUID SEMI-SOLID   POWDER					
			PHASE LAYERING:					
		.:	NONE BILAYERED MULTILAYERED					
			pH: □ 0 □ 2-4 □ 7.1-9 □ > 12.5N/A □ <2 ★4.1-7 □ 9.1-12.5 ← EXACT					
	·							
TOTAL C.	☐ Extraction Procedure (m	ng/l)	FLASH POINT: ☐ 70°F-100°F ☐ 141°F-200°F ☐ <70°F ☐ 140°F-140°F NO FLASH ☐ EXACT ☐ 140°/4					
INORGANIC METALS: (Concentration in mg/kg, mg/l or ppm)	□ Total (ppm)	/	□ EXACT 140/4 F					
BARIUM L 4, 10 M 9/L	J SILVER 14.16	3M7/L	CLOSED CUP					
CADMIUM 4,10 M9/6	ALUMINUM L		SPECIFIC GRAVITY:					
сняоміим ( <u>L.10/49</u> /L	BERYLLIUM L		$2^{6}$ 1.1-1.2 $\Box$ 1.3-1.4 $\Box$ 1.5-1.8 $\Box$ >1.8					
CHROMIUM (+6)	COPPER L							
MERCURY LLIO/MJ/L	NICKEL		SOLIDS:         BY WEIGHT         BY VOLUME           @ pH9         BY WEIGHT         BY VOLUME					
LEAD 4.10 M9/L	ZINC		@ pns					
SELENIUM L. IU M9/L	_ا		BTU/GAL BTU/LB					
INORGANIC NON-METALS:	[] Extraction Procedure (m	ng/l)	L Does the waste contain any of the following:					
(Concentration in mg/kg, mg/l or ppm)	I   Total (ppm)		Halogenated Aromatics (e.g. PCB, PBB); Aromatic Amines; Pesticides; Ureas; Thiourea's; Cyclic Nitrogen (e.g. Pyridine); Phenols; Quinones;					
ARSENIC ZITOMIGIZ	PHOSPHOROUS		Phosphorus Compounds; Polycyclic Organics; Asbestos; Hadioactive					
BROMINE L	SULFUR L		Material. □ YES NO					
CHLORINE L			If YES Attach Detailed Analysis.					
CYANIDE L	OTHERS		M Special Handling Procedures:					
		The state of the s						
			this and all attached documents. Based upon my inquiry of those individuals immediately responsible for the best of my knowledge and that all known and suspected hazards have been disclosed in accordance					
with 40 CFR 267.	milled information is true, ac	_curing and complete	The bost of the bo					

# Calfee, Halter & Griswold

Attorneys at Law 1800 Society Building East Ninth & Superior Cleveland, Ohio 44114-2688

> (216) 781-2166 Telex 980499

May 8, 1987



Regional Hearing Clerk U.S. EPA - Region V 230 South Dearborn Street Chicago, IL 60604

Re: RB&W Corporation,

Docket No.V-W-87 R-040

Gentlemen:

Enclosed for filing please find RB&W's Motion for Extension of Time and proposed Order. Please file stamp the extra copy also enclosed and return it to me in the envelope provided.

Thank you for your attention to this matter.

Very Truly yours

MIW: fmm Enclosures

cc: Linda M. Bullen, Esq. )

Mr. Paul Dimock ) w/enclosure

Regional Administrator )

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

IN THE MATTER OF:	)			
	)			
RB&W Corporation	)			
800 Mogađore Road	)			
Kent, Ohio 44240	)			
(EPA ID No. OHD 004 196614)	)	Docket No.	V-W-87	R-040

# MOTION FOR EXTENSION OF TIME

Pursuant to the Agency's Consolidated Rules of Practice governing the administrative assessment of civil penalties and the revocation or suspension of permits, 40 C.F.R. § 22.07(b), Respondent, RB&W Corporation, respectfully requests an extension of time up to and including June 15, 1987, to answer the Complaint, Findings of Violation, and Compliance Order and to request a hearing in the above-captioned matter.

As required by the Agency's Rules and as set forth in the Complaint, RB&W Corporation must request in writing a public hearing on the Order no later than 30 days from the date the Order was served. In addition, RB&W Corporation is required to file a written Answer to the Complaint with the Regional Hearing Clerk, also within 30 days of the receipt of the Notice. As a result of informal settlement conferences with the Agency, commencing on May 8, 1987, it appears that the Agency and RB&W Corporation will probably be able to settle the violations and civil penalties alleged in the Complaint without a hearing or further proceedings.

RB&W Corporation has requested no prior extensions of time in this matter, and believes that this matter ought to be resolved within the period of time herein requested. Negotiations with counsel for the Agency are continuing. Linda M. Bullen, Assistant Regional Counsel, has indicated her consent to the requested extension.

Accordingly, RB&W Corporation respectfully requests that the Presiding Officer grant an extension of time, up to and including June 15, 1987, to answer the Complaint and request a hearing on this matter.

Respectfully submitted,

MARK I. WALLACH

CALFEE, HALTER & GRISWOLD 1800 Society Building

Cleveland, OH 44114

(216) 781-2166

Attorney for Respondent RB&W Corporation

# CERTIFICATE OF SERVICE

Copies of the foregoing Motion for Extension of Time were sent by United States Mail, postage prepaid, on this 8th day of May, 1987 to the following:

Regional Hearing Clerk U.S. EPA - Region V 230 South Dearborn Street Chicago, IL 60604

Linda M. Bullen, Esq. Assistant Regional Counsel U.S. EPA - Region V 230 South Dearborn Street Chicago, IL 60604

Mr. Paul Dimock
Waste Management Division
RCRA Enforcement Section
U.S. EPA - Region V
230 South Dearborn Street
Chicago, IL 60604

Regional Administrator

U.S. EPA - Region V 230 South Dearborn Street

Chicago, IL 60604

One of the Attorneys for Respondent RB&W Corporation

UNITED	STATES	ENVIRONMENTAL	PROTECTION	AGENCY
		REGION V		

IN THE MATTER OF: )
RB&W Corporation ) 800 Mogadore Road ) Kent, Ohio 44240 ) (EPA ID No. OHD 004 196614) ) Docket No. V-W-87 R-040
ORDER
For good cause shown, Respondent, RB&W
Corporation, is granted an extension of time up to and
including June 15, 1987 to answer the Complaint and to
request a hearing in this matter.
PRESIDING OFFICER
Date: . 198



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

# REGION 5 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

APR 0 9 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

C.T. Corporation System Registered Agent for RB & W Corporation 815 Superior Avenue, N.E. Cleveland, Ohio 44114

Re: Complaint, Findings of Violation and Compliance Order RB & W Corporation

EPA I.D. No.: OHD 004 196 614

Dear Sir or Madam:

Enclosed please find a Complaint and Compliance Order which specifies this Agency's determination of certain violations by RB & W Corporation of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6901 et seq. This Agency's determination is based on an inspection of the facility located at 800 Mogadore Road, Kent, Ohio 44240 by the Ohio Environmental Protection Agency, and other information in our files. The Findings in the Complaint state the reasons for such a determination. In essence, the facility failed to meet particular requirements of RCRA relating to storage of waste without a permit or interim status, having open and leaking drums, inadequate aisle space, a deficient personnel training program and contingency plan, and failure to label, date and perform inspections of containers of hazardous waste.

Accompanying the Complaint is a Notice of Opportunity for Hearing. Should you desire to contest the Complaint, a written request for a hearing is required to be filed with Ms. Beverely Shorty, Regional Hearing Clerk (5MF-14), United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, within 30 days from receipt of this Complaint. A copy of your request should also be sent to Linda M. Bullen, Office of Regional Counsel (5C-16) at the above address.

Regardless of whether you choose to request a hearing within the prescribed time limit following service of this Complaint, you are extended an opportunity to request an informal settlement conference.

If you have any questions or desire to request an informal conference for the purpose of settlement with Waste Management Division staff, please contact Paul Dimock, United States Environmental Protection Agency, RCRA Enforcement Section (5HE-12), 230 South Dearborn Street, Chicago, Illinois 60604. His phone number is (312) 886-4436.

Sincerely,

Basil G. Constantelos, Director Waste Management Division

Enclosure

cc: Mr. Nick P. George RB & W Corporation 800 Mogadore Road Kent, Ohio 44240

235.329.230

Edward Kitchen, OEPA

Debbie Berg, OEPA-NEDO

bcc: Robert Small, OWPE (WH-527)

Linda M. Bullen, ORC 5C-16

Denise Reape

Regional Hearing Clerk, 5MF-14

OH Permit Unit, 5HS-13

5HE-12:PDIMOCK:fharris:1/12/87:6-4436

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阿斯	35107	P.2. R 3/6/87		)B 3-16-87	3-11-87	WEM 3/19/87	3/9/82	J. J
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If you have any questions or desire to request an informal conference for the purpose of settlement with Waste Management Division staff, please contact Paul Dimock, United States Environmental Protection Agency, RCRA Enforcement Section (5HE-12), 230 South Dearborn Street, Chicago, Illinois 60604. His phone number is (312) 886-4436.

Sincerely,

Basil G. Constantelos, Director

Waste Management Division

# Enclosure

cc: Mr. Nick P. George RB & W Corporation 800 Mogadore Road Kent, Ohio 44240

Edward Kitchen, OEPA

Debbie Berg, OEPA-NEDO



## **UNITED STATES POSTAL SERVICE OFFICIAL BUSINESS**

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code
in the space below.

• Complete items 1, 2, 3, and 4 on

the reverse.

Attach to front of article if space permits, otherwise affix to back of

Endorse article "Return Receipt Requested" adjacent to number.





PENALTY FOR PRIVATE USE \$300

RETURN TO



Print Sender's name, address, and ZIP Code in the space below.

Paul Dimock (5HE-12) RCRA ENF.

U.S. Environmental Protection Agency Region V 230 South Dearborn Chicago, Illinois 60604

# UNITED STATES POSTAL SERVICE OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code
in the space below.
• Complete items 1, 2, 3, and 4 on
the reverse.
• Attach to front of article if space
permits, otherwise affix to back of
article.
• Endorse article "Return Receipt
Requested" adjacent to number.





RETURN TO



Print Sender's name, address, and ZIP Code in the space below.

Paul Dimock (5HE-12) RCRA ENF. SECT.

U.S. Environmental Protection Agency Region V 230 South Dearborn Chicago, Illinois 60604

SENDER: Complete items 1 and 2 when additional serving Put your address in the "RETURN TO" space on the reverse card from being returned to you. The return receipt fee will delivered to and the date of delivery. For additional fees the postmaster for fees and check box(es) for additional services 1.   X Show to whom delivered, date, and addressee's add	provide you the name of the person following services are available. Consult s) requested.
3. Article Addressed to: Mr. Nick P. George RB & W Corporation 800 Mogadore Kent, Ohio 44240	4. Article Number P 235 329 230  Type of Service: Registered Insured Certified COD Express Mail  Always obtain signature of addressee or
5. Signature — Addressee	8. Addresse's Address (ONLY if
6. Signature - Agent  X  Nouve Power  7. Date of Delivery 4-15-87	626 Frankli
PS Form 3811, Feb. 1986	DOMESTIC RETURN RECEIPT

NDER: Complete items 1 and 2 when additional serve the your address in the "RETURN TO" space on the reversard from being returned to you. The return receipt fee wild delivered to and the dete of delivery. For additional fees the postmaster for fees and check box(es) for additional services. Show to whom delivered, date, and addressee's additional services. C.T. Corporation System Registered Agent for RB & W Corporation System RB & W Corporation Superior Avenue, N.E. Cleveland, Ohio 44114  5. Signature — Addressee TCE DONAHUE X  6. Signature — Agent CLEVELAND, OHIO 44114	se side. Failure to do name of the person in the person in the person in the following services are available. Consult e(s) requested.
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235 329 229 NOT FOR INTERNATIONAL MAIL RECEIPT FOL (See Reverse) C.T. Corporation System Street and No. 815 Superior Avenue, N.E. P.O. State and ZIP Code Cleveland, Ohio 44114 (5HE-12) RCRA ENF. Postage Certified Fee Special Delivery Fee Restricted Delivery Fee Return Receipt showing to whom and Date Delivered .70 PS Form 3800, June 1985 Return Receipt showing to whom, Date, and Address of Delivery TOTAL Postage and Fees Postmark or Date

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

IN THE MATTER OF:

RB & W CORPORATION 800 MOGADORE ROAD KENT, OHIO 44240

EPA I.D. No: OHD 004 196 614

DOCKET NO. REGIONAL HEARING

COMPLAINT, FINE POSSOF
VIOLATION AND COMPLIANCE ORDER

V-W- 87 R-040

This Complaint is filed pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. §6928(a)(1), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director, Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is RB & W Corporation, 800 Mogadore Road, Kent, Ohio 44240.

This Complaint is based on information obtained by the U.S. EPA, including compliance inspections conducted by the Ohio Environmental Protection Agency (OEPA), on March 26, 1985, May 15, 1986, and December 8, 1986. At the time of the inspections, violations of applicable State and Federal regulations were identified.

Pursuant to 42 U.S.C. §6928(a)(1), and based on the information cited above, it has been determined that RB & W Corporation has violated Ohio Administrative Code (OAC) regulations found at OAC 3745-52-11, 12, 21, 3745-65-15, 16, 51 through 55 and 3745-66-94, and 40 CFR 262.11, 262.34(a), 262.34(b), 265.16, 265.35, 265.51 through 55, 265.112, 265.173, 265.174 and 265.194.

# JURISDICTION

Jurisdiction for this action is conferred upon U.S. EPA by Sections 2002(a)(1), 3006(b), and 3008 of RCRA, 42 U.S.C. 66912(a)(1), 66926(b), and 66928 respectively.

From July 15, 1983, until January 31, 1986, the State of Onio had Phase I interim authorization pursuant to Section 3006 of RCRA, 42 U.S.C. §6926, to administer a hazardous waste program in lieu of the Federal program. This authorization allowed either the State or U.S. EPA to enforce Onio hazardous waste statutes and regulations, where applicable, in lieu of Federal statutes. U.S. EPA retained authority in matters related to the issuance of final RCRA Permits during this period. Accordingly, this Complaint and Compliance Order seeks to enforce both Federal and State regulations as applicable.

# FINDINGS OF VIOLATION

This determination of violation is based on the following:

- 1. Respondent, RB & W Corporation is a person defined by Section 1004(15) of RCRA, 42 U.S.C.  $\xi$ 6903(15) and OAC 3745-50-10(A)(2)(62), who owns and operates a facility at 800 Mogadore Road, Kent, Ohio 44240 that generates and stores hazardous waste.
- 2. Section 3010(a) of RCRA, 42 U.S.C. §6930(a), requires any person who generates or transports hazardous waste, or owns or operates a facility for the treatment, storage, or disposal of hazardous waste, to notify U.S. EPA of such activity within 90 days of the promulgation of regulations under Section 3001 of RCRA. Section 3010 of RCRA also provides that no hazardous waste subject to regulations may be transported, treated, stored or disposed of unless the required notification has been given.

- 3. U.S. EPA first published regulations concerning the generation, transportation, treatment, storage or disposal of hazardous waste on May 19, 1980. These regulations are codified at 40 CFR Parts 260 through 265. Notification to U.S. EPA of hazardous waste activity was required in most instances no later than August 18, 1980.
- 4. Section 3005(a) of RCRA requires U.S. EPA to publish regulations requiring each person owning or operating a hazardous waste treatment, storage, or disposal facility to obtain a RCRA Permit. Such regulations were published on May 19, 1980, and are codified at 40 CFR Parts 270 and 271 (formerly Parts 122 and 123). The regulations require that persons who treat, store, or dispose of hazardous waste submit Part A of the permit application in most instances no later than November 19, 1980.
- 5. Section 3005(e) of RCRA provides that an owner or operator of a facility shall be treated as having been issued a permit pending final administrative disposition on the permit application provided that: (1) the facility was in existence on November 19, 1980; (2) the requirements of Section 3010(a) of RCRA concerning notification of hazardous waste activity have been complied with; and (3) an application for a permit has been made. This statutory authority to operate is known as interim status. U.S. EPA regulations implementing these provisions are found at 40 CFR Part 270.
- 6. The Respondent, RB & W Corporation, owns and operates a facility at 800 Mogadore Road, Kent, Ohio. The Respondent is a Delaware corporation whose registered agent is C.T. Corporation System, 815 Superior Avenue, N.E., Cleveland, Ohio 44114.
- 7. On August 4, 1980, a notification of hazardous waste activity for this facility was filed with U.S. EPA pursuant to Section 3010 of RCRA.

- 8. The Respondent, RB & W Corporation generates and stores hazardous waste in tanks and containers. These wastes have been identified and listed as hazardous wastes under Section 3001 of the Act (U.S. EPA Hazardous Waste Nos. F001, F006, F008, F009, F010, and K062).
- 9. On March 26, 1986, May 15, 1986, and December 8, 1986, OEPA conducted RCRA inspections of Respondent's facility and observed the following violations on the dates parenthetically noted below:
  - a. Failure to make a hazardous waste determination for all wastes generated as required by OAC 3745-52-11 and 40 CFR 262.11 (March 26, 1985, May 15, 1986, and December 8, 1986);
  - b. Failure to have accurate manifests as required by OAC 3745-52-21 (March 26, 1985);
  - c. Failure to properly label and mark the date of accumulation on tanks and containers as required by 40 CFR 262.34(a) (May 15, 1986, and December 8, 1986);
  - d. Storage of hazardous waste for greater than ninety (90) days without meeting the applicable interim status standards for Treatment, Storage, and Disposal facilities identified under 40 CFR 262.34(b) (May 15, 1986, and December 8, 1986);
  - e. Failure to remedy documented deterioration of a storage tank as required by OAC 3745-65-15 (March 26, 1985);
  - f. Failure to provide and document personnel training and have accurate job descriptions as required by OAC 3745-65-16 and 40 CFR 265.16 (March 26, 1985, May 15, 1986, and December 8, 1986);

- g. Failure to meet the contingency plan requirements contained in OAC 3745-65-51 through 55 and 40 CFR 265.51 through 55 (March 26, 1985, May 15, 1986, and December 8, 1986);
- h. Failure to maintain adequate aisle space in the drum storage area as required by 40 CFR 265.35 (December 8, 1986);
- i. Failure to submit a closure plan for a tank and drum storage area as required by 40 CFR 265.112 (December 8, 1986);
- j. Failure to perform inspections of the container storage area as required by OAC 3745-66-74 and 40 CFR 265.174 (March 26, 1985, and May 15, 1986);
- k. Failure to inspect the freeboard level of the storage tanks as required by 40 CFR 265.194 (May 15, 1986, and December 8, 1986);
- Failure to properly manage containers as required by 40 CFR 265.173
   (December 8, 1986); and
- m. Shipment of hazardous waste to a nonpermitted facility in violation of OAC 3745-52-12 (May 22, 1985).
- 10. Respondent was informed of the violations and provided a copy of the March 26, 1985, May 15, 1986, and December 8, 1986, inspection reports in OEPA letters dated April 12, 1985, July 29, 1986, and March 5, 1987, respectively.
- 11. In a letter dated September 8, 1986, Respondent indicated that all violations identified during the May 15, 1986, inspection had been corrected.

# COMPLIANCE ORDER

Respondent having been initially determined to be in violation of the above cited rules and regulations, the following Compliance Order pursuant to Section 3008 of RCRA, 42 U.S.C. §6928, is entered:

- A. Respondent shall immediately upon this Order becoming final cease all treatment, storage or disposal of any hazardous waste except such treatment, storage or disposal as shall be in compliance with the Standards for Hazardous Waste Treatment, Storage, and Disposal facilities, 40 CFR Part 265, and the Standards Applicable to Generators of Hazardous Waste, 40 CFR Part 262, except as provided for in Paragraphs B and C below.
- B. Respondent shall within thirty (30) days upon this Order becoming final achieve and document compliance with the following:
  - Submit documentation demonstrating that hazardous waste determinations
    have been made for all wastes pursuant to 40 CFR 262.11;
  - Label and mark the date of accumulation on all containers of hazardous waste pursuant to 40 CFR 262.34;
  - 3. Provide adequate aisle space in the container storage pursuant to 40 CFR 265.35;
  - 4. Prepare a contingency plan which meets the requirements for such plans contained in 40 CFR 265.52; is maintained in accordance with the requirements of 40 CFR 265.53; and is amended as prescribed by 40 CFR 265.54:
  - 5. Submit documentation that the open and leaking drum problems were immediately corrected pursuant to 40 CFR 265.171 and measures that have been undertaken to minimize future such occurrences; and

- 6. Submit documentation that tank inspections are being conducted in accordance with the requirements contained in 40 CFR 265.194.
- C. Respondent shall within sixty (60) days upon this Order becoming final achieve and document compliance with the following:
  - Provide documentation that all personnel training requirements contained in 40 CFR 265.16 have been completed and documented;
  - 2. Prepare and submit a closure plan for all storage areas where waste has been stored for longer than ninety (90) days. The closure plan shall meet the requirements for such plans contained in 40 CFR 265.112. Upon final approval of the plan, Respondent shall initiate and complete all activities specified in the plan in accordance with the schedule contained therein;
  - 3. Upon completion of closure activities, Respondent shall submit a certification of closure pursuant to 40 CFR 265.115.
- D. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order and any part thereof. This notification shall be submitted no later than the time stipulated above to the U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604. Attention: Paul Dimock, RCRA Enforcement Section.

A copy of these documents and all correspondence with U.S. EPA regarding this Order shall also be submitted to Edward Kitchen, Division of Solid and Hazardous Waste Management, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216-1049.

Notwithstanding any other provision of this Order, an enforcement action may be

brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at this facility may present an imminent and substantial endangerment to human health or the environment.

# PROPOSED CIVIL PENALTY

In view of the above determination and in consideration of the seriousness of the violations cited herein, the potential harm to human health and the environment, the continuing nature of the violations, and the ability of the Respondent to pay penalties, the Complainant proposes to assess a civil penalty in the amount of FIFTY-NINE THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$59,875) against the Respondent, pursuant to Sections 3008(c) and 3008(g) of RCRA, 42 U.S.C. §6928.

Attachment 1 to the Complaint provides a detailed summary of the Proposed Civil Penalty. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division, and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

Failure to comply with any requirements of the Order shall subject the above-named Respondent to liability for a civil penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance with the deadlines contained in this Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

### NOTICE OF OPPORTUNITY FOR HEARING

The above-named Respondent has the right to request a hearing to contest any material factual allegation set forth in the Complaint and Compliance Order or

the appropriateness of any proposed compliance schedule or penalty. Unless said Respondent has requested in writing a hearing not later than thirty (30) days from the date this Complaint is served, Respondent may be found in default of the above Complaint and Compliance Order.

To avoid a finding of default by the Regional Administrator you must file a written answer to this Complaint with the Regional Hearing Clerk, Planning and Management Division, U.S. EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604, within thirty (30) days of receipt of this notice. A copy of your answer and any subsequent documents filed in this action should be sent to Linda M. Bullen, Assistant Regional Counsel, at the same address. Failure to answer within thirty days of receipt of this Complaint may result in a finding by the Regional Administrator that the entire amount of penalty sought in the Complaint is due and payable and subject to the interest and penalty provisions contained in the Federal Claims Collection Act of 1966, 31 U.S.C. §§3701 et seq.

Your answer should clearly and directly admit, deny, or explain each of the factual allegations of which Respondent has knowledge. Said answer should contain (1) a definite statement of the facts which constitute the grounds of defense, and (2) a concise statement of the facts which Respondent intends to place at issue in the hearing. The denial of any material fact, or the raising of any affirmative defense, shall be construed as a request for a hearing.

The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22, are applicable to this administrative action. A copy of these Rules is enclosed with this Complaint.

#### SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, Respondent may confer informally with U.S. EPA concerning: (1) whether the alleged violations in fact occurred as set forth above; (2) the appropriateness of the compliance schedule; and (3) the appropriateness of any proposed penalty in relation to the size of Respondent's business, the gravity of the violations, and the effect of the proposed penalty on Respondent's ability to continue in business.

Respondent may request an informal settlement conference at any time by contacting this office. Any such request, however, will not affect either the thirty-day time limit for responding to this Complaint or the thirty-day time limit for requesting a formal hearing on the violations alleged herein.

U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. A request for an informal conference should be made in writing to Paul Dimock, RCRA Enforcement Section (5HE-12), at the address cited above, or by calling him at (312) 886-4436.

Dated t	his	6 th	_ day	of	Asril	,	1 <b>9</b> 87.
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Basil G. Constantelos, Director

Waste Management Division

Complainant

U.S. Environmental Protection Agency

Region V

#### CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Complaint to be served upon the persons designated below, on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in envelopes addressed to:

C.T. Corporation System Registered Agent for RB & W Corporation 815 Superior Avenue, N.E. Cleveland, Ohio 44114

and

Mr. Nick P. George RB & W Corporation 800 Mogadore Road Kent, Ohio 44240

I have further caused the original of the Complaint and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Planning and Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, on the date below.

These are said persons' last known addresses to the subscriber.

Dated this	day of <u>April</u> , 1987
	Secretary, Hazardous Waste Enforcement Branch U.S. EPA, Region V

#### ATTACHMENT 1

#### PENALTY SUMMARY

Regulation Applicable at Time of Violation 40 CFR	Corresponding Regulation Ohio Administrative Code	Nature of Requirement	Penalty Assessed
265.16	3745-65-16	   Providing employee   training	\$8,125
262.34	3745-52-34	Mark the date of   accumulation on   containers	\$1,250
265.52 thru 54	3745-65-52 thru 54	Developing an adequate contingency plan and distributing it to emergency response organization	\$8,125
265.171	3745-66-71	Maintain containers in good condition	\$22,500
265.35	3745-65-35	Having adequate aisle space in container Notation	\$9,500
262.34 (265 and 270)	3745-52-34	Storage over 90 days requires compliance with the Permit requirements and Interim Status requirements	\$2,250
		2-	
		TOTAL	\$59,875

P. Dimock/ L Bullen

PART I.	BACKGROUND
	FACILITY NAME RBIW CORP
	FACILITY LOCATION BOO MOGADORE RD. KENT, OHIO
	RCRA ID NUMBER
	NATURE OF VIOLATION STORAGE OVER GO DAYS PLUS NUMEROUS
	GENERATUR VIOLATIONS
	ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY
	WATER SEVERAL OIL SPIRES TO THE CLYAPOGA RIVER
	AIR NONE KNOWN
	OTHER KNOWE IS NOWN
PART II.	RECOMMENDATION 1550E A 3008 (a) COMPLAINT WITH PENALS
PART III	. CONCURRENCES ON DRAFT
	INITIALS DATE AGREE DISAGREE
	PREPARER CHIEF, RCRA ENF. UNIT CHIEF, RCRA ENF. SECTION ASSISTANT REGIONAL COUNSEL  P.A.D. 1/12/87 ( ) (  WEM 2-11-87 ( ) (
	ASSISTANT REGIONAL COUNSEL (1) (
	NAME & DATE OF STATE CONTACT NOTIFIED ED KITCHEN 1/12/87
	LETTER
PART IV.	APPROVAL
	1. PREPARER 2. CHIEF, RCRA ENF. UNIT 3. CHIEF, RCRA ENF. SECTION 4. CHIEF, H.W. ENF. BRANCH  DEM 3/4/87 ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) (
	5. ASSISTANT REGIONAL COUNSEL  L. Bullen  6. CHIEF, S.W. & E.R. SECTION  7. CHIEF, SOLID WASTE & EMER.  RESPONSE BRANCH  (1.87  4.1.87  4.1.87  (1.87)  (1.87)

NOTE: Attach sign-off sheet to yellow copy of the enforcement action.

8. REGIONAL COUNSEL

9. DIRECTOR, WASTE MGT. DIV.



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

# 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

FREPLY TO THE ATTENTION OF:

JAN 15 1987

Edward Kitchen, Manager Surveillance and Enforcement Section Ohio Environmental Protection Agency P.O. Box 1049 Columbus, Ohio 43216-1049

Dear Mr. Kitchen:

This letter serves notice that the United States Environmental Protection Agency (U.S. EPA) has initiated formal enforcement action against RB & W Corporation, Kent, Ohio. As you recall, this is a case where it had been agreed that U.S. EPA would pursue escalated enforcement. We anticipate our Complaint in this matter to be filed within the next thirty (30) days. As usual, both you and the appropriate District will be furnished a copy of the Complaint.

Sincerely yours,

William E. Muno, Chief RCRA Enforcement Section

Wm. E. My uno

bcc: James Brossman Paul Dimock



#### State Of Ohio Environmental Protection Agency

Northeast District Office 2110 E. Aurora Road; Twinsburg, Ohio 44087-1969

(216) 425-9171

Richard F. Celeste, Governor

re: R,B.& W
Portage County
OHD 004 196 614
RCRA reinspection

March 5, 1987

Mr. Nick P. George, Facilities Engineer Russell, Burdsall & Ward Corporation 800 Mogadore Road Kent, Ohio 44240

Dear Mr. George:

On December 8, 1986, I conducted a reinspection of your facility. The purpose of the inspection was to determine your facility's compliance status with applicable State and Federal rules pertaining to the generation and temporary accumulation on-site (in drums and tanks) of regulated hazardous wastes. A copy of the inspection report is attached for your information. The following violations were noted and discussed with you at that time:

1. Failure to Manage Drums of Hazardous Waste in a Manner to Prevent Waste Leakage

Of the drums of hazardous waste stored in building #12, five (5) were noted to have waste pooled on the tops of the lids, in violation of 40CFR 265.173(b) and 0AC 3745-66-73(B).

2. Failure to Manage Drums of Hazardous Waste in a Closed Condition

At the same building #12 storage area, two additional drums of hazardous waste were noted to have their lids in an unsecured condition, in violation of 40CFR 265.173(a) and OAC 3745-66-73(A).

3. Failure of Maintain Adequate Aisle Space

R,B & W had failed to provide for adequate aisle space between and around "rows" of hazardous waste drums in building #12, thereby preventing the unobstructed movement of R,B & W personnel and equipment for inspectional and emergency response purposes. R,B:& W's failure to maintain adequate aisle space is a violation of 40CFR 265.35 and OAC 3745-65-35.

4. Failure to Make All Necessary Hazardous Waste Determinations

At the building #12 drum storage area, one (1) 55-gallon drum of unknown waste content (i.e., unmarked, unidentifiable by you) was noted stored with empty oil drums. At the recently closed oil lagoon, I noted backfill material which contained patches of an ash or sludge-like waste, the origin

or nature of which was unknown by you. I also noted that several drums, which had been partially buried in the backfilled oil lagoon, appeared to contain waste material dissilimar to the oily sludge previously contained in the lagoon. The nature or origin of this material was again unknown by you.

R, B & W's failure to have properly identified these potentially hazardous wastes is a violation of  $\underline{40CFR}$   $\underline{262.11}$  and  $\underline{0AC}$   $\underline{3745-52-11}$ . A previous violation of this performance standard was noted during my earlier inspection of May 15, 1986.

#### 5. Failure to Conduct Daily Tank Freeboard Inspections

R,B & W has failed to conduct daily inspections of the freeboard level in waste acid tank #19, in violation of 40CFR 265.194(a)(3) and OAC 3745-66-94(C).

# 6. <u>Failure to Demonstrate < 90 Day Storage of Waste in the Facility's Hazardous</u> Waste Tank Units

R,B & W maintains four (4) tank units for the temporary storage of waste acids, plating solutions, and rinsewaters, numbered tanks #19, 19A, 20 & 20A.
R,B & W has failed to demonstrate, either by recordkeeping or by marking accumulation dates on the tanks, that hazardous waste has not remained in any of the tanks in excess of 90 days, in violation of 40CFR 262.34(b) and OAC 3745-52-34(B). It should be pointed out that, of the two methods to demonstrate compliance, R,B & W previously agreed to perform the second option, pursuant to your letter of September 8, 1986.

#### 7. Failure to Maintain Adequate Personnel Training Records

R,B & W has failed to maintain adequate personnel training records pertaining to the dates and content of recent personnel training sessions, and has failed to develop adequate job descriptions for hourly and management personnel involved in handling hazardous waste at the facility, in violation of  $\frac{40\text{CFR}}{265.16}$  and  $\frac{0\text{AC}}{3745-65-16}$ . Personnel training recordkeeping violations were also previously noted during my May 15, 1986 inspection.

#### 8. Failure to Develop an Adequate Contingency Plan

The facility's contingency plan map fails to note the location of emergency phones, fire extinguishers, and spill response equipment.

The contingency plan fails to describe the types and capabilities of the facility's fire-fighting equipment and spill response equipment.

Waste acid holding tanks are incorrectly numbered on the facility map.

R,B & W moved it's drum accumulation area from building #7 to building #12, but failed to revise the contingency plan to reflect this change in storage location.

The plan fails to contain specific emergency response procedures for fires or spills at the hazardous waste tank units or drum accumulation areas, i.e.,

what fire equipment or spill equipment is to be used in these situation?, what special precautions should personnel follow depending upon the type of waste involved in the incident?, etc.

The contingency plan does not contain any evacuation procedures. Home addresses of the plant's emergency coordinators are not listed.

R,B & W's failure to revise the plan to show a change in the temporary drum storage location is a violation of  $\underline{40CFR}$   $\underline{265.54}$  and  $\underline{0AC}$   $\underline{3745-65-54}$ . All other deficiencies in the plan which are listed above are violations of  $\underline{40CFR}$   $\underline{265.52}$  and  $\underline{0AC}$   $\underline{3745-65-52}$ .

#### 9. Closure Plan Requirements

R,B & W has failed to submit to Ohio EPA and USEPA for approval a closure plan addressing the final closure of Tank #6, in violation of 40CFR 265.112 and OAC 3745-66-12. This plan was previously requested in my letter of July 29, 1986. This plan should include: (a) the methods R,B & W will use to clean and then to analytically demonstrate that the unit is decontaminated; (b) clean levels to be achieved; (c) the intended use of the tank after closure; (d) a schedule for the completion of closure actions; and (e) provisions for closure certification by the owner/operator and independent P.E.

R,B & W should also prepare and submit for approval a closure plan addressing the final closure and decontamination of the previous  $\underline{\text{drum storage area in}}$   $\underline{\text{building } \#7}$ , as this area previously held hazardous waste drums which had been stored there in excess of 90 days.

As I indicated to you during the December 8th inspection, this matter has been referred to the RCRA Enforcement Section of USEPA - Region V. You are advised to immediately return to compliance regarding all of the above noted deficiencies. If you have questions, please feel free to call.

Sincerely,

Deborah J. Berg

District Inspector

Delvah J. Berg

DSHWM-Nedo

cc: Mike Savage, DSHWM - Enforcement, CO

Paul Dimock, USEPA - Region V enforcement

#### JAN 15 1987

Edward Kitchen, Manager Surveillance and Enforcement Section Ofio Environmental Protection Agency P.O. Box 1049 Columbus, Ohio 43216-1049

Dear Mr. Kitchen:

This letter serves notice that the United States Environmental Protection Agency (U.S. EPA) has initiated formal enforcement action against RB & W Corporation, Kent, Ohio. As you recall, this is a case where it had been agreed that U.S. EPA would pursue escalated enforcement. We anticipate our Complaint in this matter to be filed within the next thirty (30) days. As usual, both you and the appropriate District will be furnished a copy of the Complaint.

Sincerely yours,

# WILLIAM E. MUND

William E. Muno, Chief RCRA Enforcement Section

bcc: James Brossman Paul Dimock

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DUNS: 00-151-5251

R B & W CORPORATION

(FMLY: RUSSELL BURDSALL & WARD CORPORATION)

+METAL FORMING DIV

DATE PRINTED DEC 18 1986

RATING

BRANCH

MFB NUTS 910 NO. 34 SE EMPLOYS

800 MOGADORE RD KENT OH 44240 TEL: 216 673-3446

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SPECIAL EVENTS 11/13/86

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This is a branch: headquarters are located at 8100 Tyler Blvd, Mentor, OH. Headquarters D-U-N-S 00-698-7218. The manager has authority to make all purchases. Bills are paid generally from headquarters. This branch manufactures nuts. 012

FULL DISPLAY COMPLETE

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5970 HEIGLEY AND BRANCH(ES) OR DIVISION(S) MENTOR OH 44060 TEL: 216 357-1200

DATE PRINTED DEC 18 1986

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CHIEF EXECUTIVE: JOHN J. LOHRMAN, CHB

#### SPECIAL EVENTS

11/11/86 According to published reports. RB&W Corp said it completed the sale of certain assets of its Kendallville. IN plant to B F Goodrich Co, Akron, CH.

11/10/85 Sales for the nine months ended Sep 27 1985 were \$119,408,000 compared to \$118,134,000 for a similar period a year ago.

Net income for the period was \$1,528,000 compared to \$8,164,000 for the same period last year.

 $\pm 10/28/86$   $\pm$  . By charter amendment the corporation has changed its name from Russell Burdsall & Ward Corporation to R B & W Corporation.

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Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

UPDATE 112/03/86 FINANCE

Roy C. Kuhn is no longer executive vice president.

\* A FINANCIAL SPREAD SHEET OF COMPARATIVES, RATIOS, AND INDUSTRY AVERAGES \* MAY BE AVAILABLE. ORDER A DUNS FINANCIAL PROFILE VIA YOUR DUNSPRINT

\* TERMINAL OR LOCAL D&B OFFICE

10/28/86				Fiscal
		Consolidated	Consolidated	Covaclidated
		Dec 21 1983	Dec 31 1984	Dec 31 1985
	Curr Assets	52,495,000	65,071,000	
	Curr Liabs	19, 204, 000	26, 558, 000	15,812,000
	Current Ratio			
:	Working Capital	24,282,000	38,403,000	38,041,000 aa cam aaa
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	Long Term Debt	37,623,000	40,482,000	30,658,000
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Total Assets 84,975,000 Total 84,975,000

From JAN 01 1985 to DEC 31 1985 sales \$154,392,000; cost of goods sold \$128,163,000. Gross profit \$26,229,000; operating expenses \$17,326,000. Operating income \$8,903,000; other income \$856,000; other expenses \$4,008,000; net income before taxes \$3,751,000; Federal income tax \$1,481,000; tax carryforward \$1,158,000. Extraordinary gain \$3,283,000. Net income \$8,711,000. Retained earnings at start \$11,905,000. Net

\$8.711.000: retained earnings at end \$20.616.000.

Prepared from statement(s) by Accountant: Price Waterhouse. ACCOUNTANTS OPINION: "A review of the accountant's opinion indicates that the audit meets generally accepted accounting principles and contains no qualifications".

eriu luvus 👸 tanto seres

Item worth shown in summary section was computed after deduction of intangibles, totaling \$909,000. Accounts receivable shown net less \$411,000 allowance. Fixed Assets shown net less \$10,867,000 depreciation.

BASIS OF CONSOLIDATION: The financial statements present on a consolidated basis the accounts of Russell Burdsall & Ward Corporation and its subsidiary, which is wholly-owned. All significant intercompany transactions have been eliminated.

INVENTORIES: Inventories are valued at the lower of cost or market with cost determined using the last-in, first-out (LIFO) method.

LONG TERM DEBT: At Dec 31 1985 long term debt, including current portion, consisted of: Term loan of \$18,000,000.

Revolving loan of \$9,500,000.

Industrial Development: Revenue Bonds of \$3,025,000.

Equipment notes of \$3,179,000.

Capitalized lease obligations of \$27,000.

The term loan is owing to an insurance company and is to be repaid in equal annual principal payments of \$1,800,000 beginning Feb 15 1986.

The revolving loan provides for borrowings up to \$25,000,000 until Dec 3i 1987 when the loan can be converted into a term loan payable in sixteen consecutive quarterly installments.

The term loan and the borrowings under the credit agreement are secured by a major portion of the company's current assets and substantially all of the company's fixed assets, and the agreements contain certain convenants which, among other things, restrict the payment of dividends, limit future borrowings, require maintenance of certain financial ratios, and restrict the amount of lease obligations which may be incurred.

The company was in compliance with these restrictions at Dec 31 1985 and for the year then ended.

The industrial revenue bonds are payable in annual installments through 1992.

In 1983 the company purchased certain equipment on a note basis. The notes are payable in 20 quarterly installments beginning six months after the date the equipment was shipped.

LONG TERM LIABILITIES-OTHER: Other long term liabilities include deferred items such as long term employee benefits.

OTHER INCOME: Other income in 1985 consisted primarily of a gain on the sale of real estate.

OTHER EXPENSES: Other expenses of \$4,008,000 were interest charges.

EXTRAORDINARY GAIN: Three of the company's pension plans, which provided coverage to salaried employees, were terminated in Dec 1984. The company purchased annuities to provide guaranteed full benefits for all covered employees with vested or accrued benefits under the terminated plans.

The 1984 extraordinary gain resulting from the termination of the pension plans was comprised of excess funds of approximately \$10,299,000 to be remitted to the company and the reversal of a related long term pension liability of \$603,000. The 1985 extraordinary gain of \$3,283,000 was the result of additional funds remitted to the company upon final approval of the termination of the plans.

LEASES: The company leases certain manufacturing, warehouse and office facilities and other equipment under leases which are generally renewable. Many of the leases provide that the company will pay the taxes, insurance and maintenance on the leased property. Total rent expense for continuing operations charged to income was \$2,522,000 in 1985, \$2,633,000 in 1984 and \$2,863,000 in 1983.

Minimum lease commitments for operating leases are as follows: 1985 - \$2,322,000; 1987 - \$1,806,000; 1988 - \$1,480,000; 1989 - \$799,000 and 1990 - \$79,000.

No contingent liabilities reported.

1985 OPERATING RESULTS: Sales during 1985 declined 5.8% over 1984 volume. Management attributed the slight decline to deliberate changes in the company's marketing direction.

Gross margins, expressed as a percent of sales, held even for both years at approximately 17%.

Net income declined to \$8.7 million in 1985 compared to \$17.6 million in 1984. However, comparison of net income for both years is distorted by unusual gains on the termination of three pension plans. When these unusual gains are eliminated from both years, income from continuing operations for 1985 was \$5.4 million versus \$6.7 million for the previous year.

All earnings were retained resulting in a good increase in equity. Net worth was also favorably impacted to a modest degree by stock options exercised and funds contributed under an employee stock ownership plan.

Majority of internally generated funds were used to make a substantial reduction in long term debt and net working capital held at fairly even levels during 1985.

1984 OPERATING RESULTS: Revenues in 1984 increased 18% over those of 1983 reflecting the significant recovery in the automotive and truck industries as well as increases in the company's share of those markets.

Gross margins improved to 17% in 1984 compared to 15.1% in 1983 largely as a result of increased productivity.

Selling, general and administrative expenses rose only marginally and the company had other income of approximately \$1.3 million from the sale of two plants which had been closed in 1982.

As a result of these factors pretax profits increased in 1984. Net income also benefited from a loss carryforward of \$1.3 million and an extraordinary gain of \$10.9 million from the termination of certain employee pension plans.

Although net income for the year was \$17.6 million, and no dividends were paid, net worth increased by only \$3.4 million. On Dec 3i 1984 the company purchased and retired all of its 200,000 shares of preferred stock for \$20 million. The company financed the purchase of its preferred stock through borrowings and the private sale for \$6 million of 1.2 million shares of its common stock to two institutional investors (life insurance companies).

FINANCIAL CONDITION AT DEC 31 1985: The financial condition of the company improved during 1985. A combination of current liabilities and long term debt amounted to 137% of net worth at Dec 31 1985 compared to 271% at Dec 31 1984.

At Dec 3: 1985 total current liabilities were 48.8% of net worth. The apprecate of cash and accounts receivable was 144% of total current liabilities.

Accounts receivable were in fairly good relationship to sales and the average collection period computes to 44.8 days.

The company's net working capital was 144% of inventory. The inventory turnover for 1585 was 5.5 times or approximately once every ... 65 days.

The major portion of long term debt is represented by a term loan to an insurance company and a revolving credit agreement with a bank. Although these loans are secured by most of the company's assets, progress has been made in reducing the debt. During 1985 long term debt was reduced by approximately 32%.

The overall financial condition is considered good. Through a good turnover of inventory and fairly close collection of receivables, the company is generating sufficient liquidity to meet trade bills as agreed. Management attributes reports of slowness by suppliers to disputes or misunderstandings.

SIX MONTHS UPDATE: Sales and earnings are down through the first six months of the current year. Sales for six months ended Jun 28 1986 were \$80,087,000 compared to \$80,971,000 for a similar period in 1985.

Net income was \$2,165,000 compared to \$7,126,000 in 1985's first six months. 1985 resulst were favorably impacted by an extraordinary gain on the termination of pension plans and utilization of operating loss carryforward aggregating \$3,263,000.

An interim Jun 28 1986 balance sheet shows cash at \$2,939,000; accounts receivable of \$23,203,000 and inventories of \$26,276,000. Total current liabilities apprepated \$19,088,000.

PUBLIC FILINGS
UCC FILINGS

12/15/86

Financing Statement #1860148325 filed 10-09-86 with Secretary, State of FL. Debtor: R B & W Corporation, Tampa, FL. Secured Party: National City Bank, Cleveland, OH. Collateral: specified accounts receivable, contract rights, chattel paper general intangibles, negotiable instrument, inventory including proceeds and products.

The public record items reported above under "PUBLIC FILINGS" and "UCC FILINGS" may have been paid, terminated, vacated or released prior to the date this report was printed.

BANKING

10/65 According to the annual report, the company has a revolving credit agreement with a group of banks which permit borrowings up to \$25 million. \$9.5 million was owing as of Dec 31 1985. The credit agreement is secured by a major portion of the company's current assets and substantially all of the company's fixed assets.

HISTORY 10/88/86

> JOHN J. LOHRMAN, CHB-GED+ ANDREW A. ARENA, V PRES

ROY C KUHN, EX V PRES BOYD O. MURDOCK, SEC-TREAS DONALD R. R. LOCKWOOD, V PRES
DIRECTOR(S): The officers identified by (+) and Frances A. Coy,
Herbert J. Deitz, Murray J. Howe, Frederick J. Mancheski, Julien L. Mc
Call and Thomas E. Mc Sinty.

Incorporated Delaware Mar 19 1929. Authorized capital consists of 8,000,000 shares common stock, \$1 par value and 200,000 shares preferred stock, \$100 par value.

At Dec 3: 1985 there were 4,571,589 shares of common issued. No preferred stock was outstanding. Common shares are traded on the American Exchange.

Paid in capital \$15,234,000 on Dec 31 1985. At Feb 1 1985 there were 1,882 common shareholders of record.

Business started 1901 by other interests. 11% of capital stock is owned by officers/directors. 89% of capital stock is owned by the general public and institutional investors. Started by Sol Mangel during 1901 as NY Shirt Waist House. That firm was incorporated under New Jersey laws as NY Shirt Waist House Inc, in 1916. Mar 2 1929 name legally changed to Mangel's Inc.

On Dec 30 1377 acquired the name and most of the assets of Russell Burdsall & Ward Inc, Mentor, OH for \$54,163,000 cash. Majority of funds were derived from a loan of about \$40,000,000. Those acquired assets were merged and the company changed its name to Russell, Burdsall & Ward Inc. On Mar 1 1978 executive headquarters were moved from 5611 Tonnelle Avenue, North Bergen, NJ to Mentor, OH. On Apr 24 1986 the corporation changed its name to R B & W Corporation.

Acquisition: In Apr of 1981 Russell Burdsall & Ward Corporation acquired most of the Industrial Fastener Division of The Lamson & Sessions Co for \$20 million.

Discontinued Operations: In Jul of 1983 the company sold its retail division, Mangel's Stores.

JOHN J. LOHRMAN, born 1920. BS Creighton University, did graduate studies, Wharton School of Business, University of Pennsylvania. Served four years World War II, U S Army. 1946-57 assistant controller of Philadelphia Transportation Co, and a consultant with McKinsey Company. Joined Industrial Fastner Division of The Lamson & Bessions Co 1957, manager distribution and became assistant to the president. Vice president-administration and director 1961; executive vice president in 1969; president in 1973, CHB in 1976. 1977 CHB and CEO and director. 1981 president, CEO and director.

ANDREW A. ARENA, born 1947 married. Joined Russell Burdsall & Ward Corporation in 1969. Elected vice president and general manager of distribution division in 1983.

BOYD O. MURDOCK, born 1940 married. 1971 Case Western Reserve University, BS Accounting, 1974 MBA, Finance. 1970-81 employed The Lamson & Sessions Co., 1970 supervisory positions corporate office and industrial fastener div, 1976 corporate assistant controller. 1981 to present Russell Burdsall & Ward Corporation, corporate treasurer. 1984 also secretary.

ROY C. KUHN born 1936 married. Graduated 1939, Case Institute of Technology BBME. 1959-74 employed Parker Hannifin Corp latterly as general manager O Ring Division. 1974-78 employed as exuctive vice president ABS Industries. 1978-79 employed Koehring Corp as group vice president. 1979-84 employed as division president of the

National Acme Division of Acme Cleveland Corporation. 1984-present employed Russell Burdsall & Ward Corporation as executive vice president.

DONALD R. R. LOCKWOOD born 1954. 1978-85 employed Jacobson Manufacturing Company. latterly as vice president of sales. 1985-85 employed P & R Fastners as sales manager. Joined this company in 1985 as vice president. international division.

DIRECTORS: FRANCES A. COY, president Coy and Associates Inc. HERBERT J. DEITZ, partner Cole & Deitz (law firm).

MURRAY J. HOWE, executive vice president Richardson Greenshields Securities Inc.

FREDERICK J. MANCHESKI, CHB Echlim, Inc.

JULIEN L. MC CALL, CHB National City Corporation. THOMAS E. MC GINTY, president Belvoir Consultants.

#### OPERATION

10/28/88

Manufactures (65%) metal screws, nuts and other metal fasteners and wholesales (35%) all types of metal fasteners.

Terms of sale are 1% 10 net 30 days. Sells to manufacturers of automotive equipment and farm equipment dealers, steel fabricators, railroads and government accounts. Territory sUnited States and Canada.

Nonseasonal.

'EMPLOYEES: 1,520. 25 employed here.

FACILITIES: Leases 7,000 sq. ft. in brick building in good condition. Premises neat. This is corporate headquarters in an office complex.

LOCATION: Suburban business section on well traveled street.
BRANCHES: On a consolidated basis manufacturing plants are
located in Cleveland and Kent, OH; Chicago and Rock Falls, IL;
Kendallville, IN; Coraopolis, PA, Coldwater, MI, and Toronto, Ontario,
Canada. Product development facilities are maintained at Mentor, CH.
Headquarters for the Bosco Fastening Service Center are maintained at
Dallas, TX and there are eighteen distribution centers throughout the
south, southwest and western states.

The Fastener House division is headquartered in Cleveland, OH and that division has thirteen distribution centers throughout the midwest.

SUBSIDIARIES: The company has one active subsidiary, Lamson & Sessions of Canads Ltd, Toronto. It is wholly-owned. That corporator manufactures and wholesales products similar to the parent in the Canada market. There are intercompany merchandise transactions on regular terms.

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FULL DISPLAY COMPLETE



#### State Of Ohio Environmental Protection Agency

P.O. Box 1049, 361 East Broad St., Columbus, Ohio 43216-1049 (614) 466-8565



Richard F. Celeste, Governor

December 10, 1986

William E. Muno, Chief RCRA Enforcement Section U.S. EPA, Region V 230 South Dearborn Street Chicago, Illinois 60604 DEC 1 2 1986

U.S. CPA, RESIDAR R WASTE MANNEEMENT DIVISION HAZARDOUS WASTE ENFORCEMENT DRAFF

Dear Mr. Muno:

In late 1985, in accordance with Ohio's grant commitment and the National Enforcement Response Policy, the Ohio EPA informally referred the Russell, -Burdsall & Ward Corporation (RB&W) located in Kent, Ohio to the U.S. EPA for enforcement action for identified RCRA violations.

I have no record of this retard

Recent conversations between my staff and yours indicates that action by U.S. EPA has not yet been initiated against the RB&W Corporation for the RCRA violations subject of that referral.

Please find enclosed information on additional outstanding RCRA violations discovered as a result of a May 15, 1986 inspection conducted by the Ohio EPA of the RB&W Corporation facility. A follow-up inspection conducted by Ohio EPA on December 8, 1986 revealed that several of the RCRA violations identified during the May 15, 1986 inspection remain outstanding despite Company assurances that they had been remedied. Additionally, other RCRA violations were discovered as a result of this latest inspection. A report on the December 8, 1986 inspection will follow under separate cover.

I am transmitting this information to your office as an addendum to the 1985 enforcement referral for your consideration and enforcement response.

If there are any questions regarding this matter, please contact Michael Savage of my staff at (614) 462-8949.

Sincerely,

Edward A. Kitchen, Manager

Surveillance & Enforcement Section

Edward A. Lithen

DSHWM

cc: Mike Savage

Dave Wertz/Debbie Berg, NEDO

#### ENFORCEMENT REFERRAL

### DIVISION OF SOLID AND HAZARDOUS WASTE MANAGEMENT

om:	(District Name) Deborah J. Berg .
te:	December 5, 1986
Re	sponsible Party(ies):
(a	) Name Russell, Burdsall & Ward Corporation
(b	) Address 800 Mogadore Road
	Kent Ohio 44240
	County: Portage
(c	) Contact Person: Mr. Nick P. George, Facilities Engine
(d	) Telephone No.: (214) 673-3446
Pa	rent Company (if applicable):
(a	) Name: <i>N. A</i> .
(b	) Address:
(c	) Contact Person:
(d	) Telephone No.:
Red	gulatory Status (check appropriate lines)
	TSD Facility (Permitted) Generator
	TSD activity (Unpermitted) Small Quantity Generator
	Unpermitted/Unlicensed
	Solid Waste (License and/or PTI)
Vio	olation Description:
(a	Location of Violation:800 Mogadore Road

<ul> <li>(b) Nature of violation. (Specific description of violation, regulation or statute violated, a statement of how long or how often violation or statute violated, a statement and/or health effects of violation.)</li> </ul>
R.Baw has failed to submit to Ohio EPA for approval
a closure plan for the closure of a tank previously
DRaw storage (>90 days) of a speni
in violation of OAC 3743-46-12 CT
DR 4.11) was advised to submit the crosure piece
1 1000 inspection letter of July 29, 1980.
Then response to the agency agree depron
To Day indicated 2 that they had removed
the plating waste from the tank and had triple-rinsed
it; however RB&W failed to submit the required
I I I I I I I I I I I I I I I I I I I
closure plan. [ The closure plan, for demonstration
approval by OEPA, would provide a demonstration
11 1 the unit has been decontaminated to some
"clean levels" and would provide for the required
certifications (owner/operator, independent P.E.) of
The said of the said was the said were all said the said was the said with the said was the said was the said with the said was
Note: additional 12CK # Newauor wo conducted by Chist in sesult of a follow-up inspection conducted by Chist in most 12-8-86 Dubies cent to completion of this upena
n 12-8-86 subjection to completion of this ligena
package: a follow-up report well be fortheming.
package, a page ; repeated

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(c) E	Brief description of complaints from the public against the party(ies), if any.	
	Two complaints were received regarding oil spills for	om
	the facility reaching the Cuyahoga River. OEPA investigat	ed in
	April 1979 & March 1985. RB&W has recently closed some oil pits (non-hazardous) which were suspected of being the schrohology of events (site inspections, letters, meetings, telephone the calls). Describe enforcement action already taken against entity for this violation (including letters, telephone calls, meetings).	old
	· May 15, 1986 facility RCRA inspection	
	· July 29, 1986 OEPA inspection letter to RB&W	
	· Deptember 15, 1986 response by RB&W	
		•
-		
(e)	) Index of documents (copies attached).	
·	I. OEPA - DWOMA spill report of March 29, 1985	<del>.</del>
		-
	I OEPA inspection letter of July 29, 1986	-
		_
	III. RBaw document submittal of September 15,	1986
		_
		_
		<del></del> .
		<del>-</del>

	<u> № A.</u>					
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<u>.</u>						
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				· .		
Witness	s list (nam	ne, address a	and phone r		people wi	
Witnes:	dge related	d to the viol	lation)	number of	people wi	th firsth
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knowled	dge related Debomh	d to the viol	lation)	number of	people wi	th firsth

i)	Possible measures to remedy the violation (e.g., repairs, new process equipment, new procedures, etc.).
	R.Baw should prepare an adequate clasure plan
	for the plating waste tank and submit it to
	the agency for approval.
	·
equ	uest for Enforcement Action
	Contacts:
	District Contact: <u>Jeborah J. Berg</u> 214-425-9171
	Central Office Contact: Mike Savage 414-402-8949
	Legal Office Contact:
	Other Government Contact:
b)	District recommendation for enforcement action: Director's Find
	Orders requiring submittal of an adequate closu
	plan within 15-30 days.

(c) Recommendation with r		
<u>No recomm</u>	nendation at this;	time.
		·
		•
Signed: Melmah Q. 9	Berg Date:	12-5-86
a strong	3 This	12-8-86
Approved: Darille	/ . L	5-8-86
(District Unit	Q	
	ngligor S. BRUNY Date:	12-8-86
(Distric	t Chief)	
<del>********</del>	<del>****************</del>	<del>xxxxxxxxxxxxxxxxx</del>
*.		
		~
	ENFORCEMENT COMMITTEE	4.
This Booms	Company has snew	renot, been referred to nement, un detino taken to SEPA; cend amendment
Action Recommended: / NO	A (fall 1985) for endo	account a letin taken to
Assigned To : UOCH	4 (Jale 1785) NI WAY	masmers my and the
Date : _/2//	12/86   date by a	SEAT; and amendment
·	- letter requ	SEPA; cend amendment esting actions on addition
	violations	<i>J</i>
0755S	7500	<b>`</b> .

# Date and Time of Inspection

# RCRA INTERIM STATUS INSPECTION FORM

							HWFAB #
GENERAL INFORMATION				Δ,		The state of the s	PA I.D. # OHD 004 196 614
Facility: RB&W		Address:_	800	Mogadore	Road		City: Kent
State: Ohio	Zip Code:	44240	_ County:	Portage	Tele	phone:_	216-673-3446
(Name)  1. Nick P. George 2.			(Tit	RTICIPANT(S)  le)  Engineer			(Telephone)
1. <u>Deborah</u> J. Berg			INSPEC Strict In	75			216-425-9171
Mark One	If the	site is a T	INSTALLATION SDF, check		ating whi	ch area	s were reviewed.
Generator only (G)  / / Transporter (T)		and Preventi	on, Conting	rds, Preparedne ency and Emerge ting, Closure	s s ncy	<u>/_/</u> /_/	Waste Piles SO3 Land Treatment D81
/_/ TSDF only	<u>//</u>	Containers S	501	•	**)************************************	/	Landfills D80
/ G-T		Tanks S02/T0	וו				Chemical/Physical/ Biological TO4
/_/ G-TSDF	<u>/_/</u> ,	Surface Impo	oundments SO	4/T02			Groundwater Monitoring
/_/ T-TSDF		Incineration	/Thermal Tr	eatment 	e <del>*</del>		Post-Closure
/_/ G-T-TSDF			39				

INFORMATION - 1

		•		 <del>-</del> -
1.	Has the facility submitted a Part A to Ohio?			 
	If "yes", is it complete and accurate?		<del></del>	 <u>/</u>
3.	Has the facility submitted a Part B?	1		 Va day

4. Was advance notice of the inspection given? If so, how far in advance?

IF THE SITE HAS RECEIVED A PART B PERMIT, USE THE RCRA STATUS INSPECTION FORM.

REMARKS, GENERAL INFORMATION

Include a brief description of site activity and waste handling.

290 day drum accumulation
waste solvents, plating wates

egoday tank units (4)
waste acids, plating solutions, trinsewaters

Remark #

N/A

, No

۸n	CER :	262 (DAC 3745-52) GENERATOR REQUIREMENTS					
<u> 10 </u>	0110		<u>Yes</u> .	Иo	<u>N/V</u>	<u>Remark #</u>	
۱.		hazardous waste(s) generated at this facility have been tested or are nowledged to be hazardous waste(s) as defined in Section 261 and in pliance with the requirements of Sections 262.11. [3745-52-11(D)]		$\checkmark$			
2.	rogi	s this facility generate any hazardous wastes that are excluded from ulation under Section 261.4 [3745-51-04] (statutory exclusions) or tion 261.6 [3745-51-06(A)(1)] (recycle/reuse)?	:	~			
3.	from	s this facility have waste or waste treatment equipment that is excluded n regulation because of totally enclosed treatment (Section 265.1(c)(9)) 45-65-01] or via operation of an elementary neutralization unit and/or tewater treatment unit (Section 265.1(c)(10) [3745-65-01]		<u> </u>		<u> </u>	
4.	The use	generator meets the following requirements with respect to the preparation, and retention of the hazardous waste manifest:	19	St yn	ani fest Inspe	s since pl	reviou
	a)	The manifest form used contains all of the information required by Section 262.21(a) and (b) [3745-52-21] and the minimum number of copies required by Section 262.22 [3745-52-22].	_\_				
	b) .	The generator has designated at least one permitted disposal facility and has/will designate an alternate facility or instructions to return waste in compliance with Section 262.20 [3745-52-20(B)(C)(D)].	<u>\( \lambda \)</u>	<u> </u>			•
-	c)	Prepared manifests have been signed by the generator and initial transporter in compliance with Section 262.23 [3745-52-23(A)(1 and 2)].	<u>√</u> .	<u></u>		·	
	d)	The generator has complied with manifest exception reporting requirements (investigate after 35 days, report after 45 days) in Section 262.42(a)(b) [3745-52-42].	·		$\checkmark$		
•	e	Signed copies of all hazardous waste manifests and any documentation required for Exception Reports are retained for at least 3 years as required by Section 262.40 [3745-52-40]. (262.40(a)) [3745-52-40(a)]			<u> </u>		

		Yes No N/A Remark #
<b>.</b>	The generator meets the following hazardous waste pre-transport requirements:	
	a) Prior to offering hazardous wastes for transport off-site the waste material is packaged, labeled and marked in accord with applicable DOT regulations (Section 262.30, 262.31 and 262.32(a)) [3745-52-30, 3745-52-31, 3745-52-32]	no drum shipments since previous inspection.
•	b) Prior to offering hazardous wastes for transport off-site each container with a capacity of 110 gallons (416 liters) or less is affixed with a completed hazardous waste label as required by Section 262.32(b) [3745-52-32].	no drum shipments since.  previous inspection
	c) The generator meets requirements for properly placarding or offering to properly placard the initial transporter of the waste material in compliance with Section 252.33 [3745-52-33].	bulk shipment placards  V provided by Envirite
	Nazardous wastes imported from or exported to foreign countries are handled in accordance with the requirements of Section 262.50 [3745-52-50]	
1.	If the generator elects to store hazardous waste on-site in <u>containers</u> or <u>tanks</u> for <u>90 days</u> or less without a RCRA storage permit as provided under <u>Section 262.34 [3745-52-34]</u> , the following requirements with respect to such storage are met:	•
•	a) The anits are clearly marked with the words "Hazardous Waste".	
	b) The date that accumulation began is clearly marked on each container.	however, 290 day storage
3.	The generator has provided a Personnel Training Program in compliance with Section 265.16(a)(b)(c) [3745-65-16(A)(B)(C)] including instruction in safe equipment operation and emergency response procedures, training new employees within 6 months and providing an annual training program refresher course. (Section 262.34) [3745-52-34(A)(4)]	been demonstrated (reference 3734.02-E)
١.	The generator keeps all of the records required by Section 265.16(d)(e) [3745-65-16(D)(E)] including written job titles, job descriptions and documented	

NOTE: SHORT-TERM STORAGE FOR 90 DAYS OR LESS IN TANKS AND CONTAINERS ALSO REQUIRES THAT REGULATIONS IN SECTION 265 [3745-65], SUBPARTS C AND D (PREPAREDNESS AND PREVENTION PLUS CONTINGENCY AND EMERGENCY) AND CERTAIN PORTIONS OF THE "CONTAINERS" AND "TANKS" RULES BE MET. COMPLETE THE APPROPRIATE SECTIONS OF THE INSPECTION FORM.

REMARKS, GENERATOR REQUIREMENTS

		<u>Yes</u>	<u>No</u>	N/A	Remark #
•	Subpart C: Preparedness and Prevention				
	Has there been a fire, explosion or non-planned release of hazardous waste at this facility? (265.31) [3745-65-31]				
2.	If required due to actual hazards associated with the waste material, the facility has the following equipment: $(265.32)$ [3745-65-32(A)(B)(C)(D)]				
	a) Internal alarm system.	<u>V</u>			
		<u> </u>			
	c) Portable fire control equipment, spill control equipment	<u>/</u>	<u>-</u>		
	d) Water of adequate volume and pressure via hoses sprinkler, foamers or sprayers.	<u> </u>		· · · · · ·	
	All required safety, fire and communications equipment is tested and maintained as necessary; testing and maintenance are documented. (265.33) [3745-65-33]	<u> </u>			
4.	If required due to the actual hazards associated with the waste material, personnel have immediate access to an emergency communication device during times when hazardous waste is being physically handled. (265.34) [3745-65-34]	<u>/</u>			
5.	If required due to the actual hazards associated with the waste material, adequate aisle space to allow unobstructed movement or emergency or spill control equipment is maintained. (265.35) [3745-65-35]		1		
6.	If required due to the actual hazards associated with the waste material, the facility has attempted to make appropriate arrangements with local emergency service authorities to familiarize them with the possible hazards and the facility layout. (265.37(a)) [3745-65-37(A)]				
7.	Where state or local emergency service authorities have declined to enter into any proposed special arrangements or agreements the refusal has been documented. (265.37(b)) [3745-65-37(B)]		<u> </u>		·

			<u>Y e s</u>	110	11/1/	Kemark #	1
		Subpart D: Contingency and Emergency					
١.	(1re [374	facility has a written Contingency Plan designed to minimize hazards from e, explosions or unplanned releases of hazardous wastes (265.51) 45-65-52(Λ)(Β)(C)(Θ)(Ε)] and contains the following components:		• 1		·	*
٠	a)	Actions to be taken by personnel in the event of an emergency incident.		V	<u></u>		
	ს)	Arrangements or agreements with local or state emergency authorities.	<u>V</u>				
	c )	Names, addresses and telephone numbers of all persons qualified to act as emergency coordinator.		1	÷ 		
		A list of all emergency equipment including location, physical description and outline of capabilities.					
		If required due to the actual hazards associated with the waste(s) handled, an evacuation plan for facility personnel. (265.51(f)) [3745-65-52(F)]	<del></del>	$ \mathcal{L} $		<u></u>	,
2.	A cobeen	opy of the Contingency Plan and any plan revisions is maintained on-site and has in submitted to all local and state emergency service authorities that might be puired to participate in the execution of the plan. (265.53) [3745-65-53(A)(B)]	<u>√</u>	ومايلا	nlan	once it verised	15
3.	The or	plan is revised in response to facility, equipment and personnel changes failure of the plan. (265.54) [3745-65-54]		V			
1.	An fam aut	emergency coordinator is designated at all times (on-site or on-call) is nillar with all aspects of site operation and emergency procedures and has the thority to implement all aspects of the Contingency Plan. (265.56) [3745-65-55]	<u> </u>				
5.	1 f	an emergency situation has occurred, the emergency coordinator has implemented I or part of the Contingency Plan and has taken all of the actions and made all the notifications deemed necessary under Sections 265.56(a-j). [3745-65-56(A-j)		<u> </u>	¥		•
				+			

## Subpart I: Management of Containers

290 day accumulation

11/1

Remark #

		<u>Yes</u>	<u>110</u>	HΛV	<u>Remark #</u>
١.	Hazardous wastes are stored in containers which are:		D		
	a) Closed (265.173) [3745-66-73(A)]		¥		
	b) In good physical condition (265.171) [3745-66-71]				
	c) Compatible with the wastes stored in them (265.172) [3745-66-72].		<del></del>		
2.	Containers are stored closed except when it is necessary to add or remove wastes. (265.173(a)) [3745-66-73(A)]				
3.	Nazardous waste containers are stored, handled and opened in a manner which prevents container rupture or leakage. (265.173(b)) [3745-66-73(B)]				
4.	The area where containers are stored is inspected for evidence of leaks or corrosto at least weekly and such inspections are documented. (265.174) [3745-66-74]	n 🗸			
5.	Containers holding Ignitable or Reactive waste(s) are located at least 50 feet (15 meters) from the property line and the general requirements for handling such wastes in Section 265.17 (physical separation, signs and safety) are met (265.176) [3745-66-76]	<u> </u>			
6.	Containers holding hazardous wastes are stored separate from other materials which may interact with the waste in a hazardous manner. (265_177(c)) [3745-66-77(C)]	<u>/</u>			

### Subpart J: Storage in Tanks

- 1. The tank(s) are operated in compliance with the safety requirements of Sections 265.17 and 265.192(b) [3745-66-92(B)] and are equipped with a waste-feed cutoff or bypass system as required in Section 265.192(d) [3745-66-92(D)].
- 2. Uncovered tanks have at least 2 feet (60 cm.) of freeboard unless they are equipped with a spill containment system with a capacity that equals or exceeds the volume that 2 feet of freeboard would otherwise provide.

  (265.192(c)) [3745-66-92(C)]
- 3. Daily inspections are made of all systems pertinent to the proper operation of the tank: discharge and cutoff, monitoring equipment, tank level and freeboard. (265.194) [3745-66-94(A)(B)(C)]
- 4. Weekly inspections are made of all tank construction materials and containment structures. (265.194) [3745-66-94(D)(E)]
- 5. Whenever tanks are used to treat or store wastes substantially different from previous wastes or when substantially different treatment processes are used in the tank, the facility has insured the safety of such changes by one or both of the following methods: (265.193(a)) [3745-66-93(A)(B)]
  - a) A complete waste analysis plus bench scale tests or pilot tests were conducted prior to implementing the proposed changes and all data is on file in the facility operating record.
  - b) Written, documented information on similar storage or treatment process changes was obtained prior to implementing the proposed changes and all documentation is on file in the facility operating record.

<u> </u>	·	· .
<u> </u>	<del>- '</del>	
<u> </u>		Tank 19 has not been inspect on a daily base
		<u> </u>
······································	<del></del>	<u> </u>

Remark #

N/A

Yes - No

- 6. With the exception of emergency situations, whenever Ignitable or Reactive wastes are placed in tanks the facility has insured the safety of the operation by one or both of the following methods: (265-198(a)) [3745-66-98(A)]
  - a) The waste is treated immediately before or after being placed in the tank so that it is no longer Ignitable or Reactive and such treatment is done in compliance with the safety requirements of Section 265.17(b) [3745-65-17(B)].
  - b) The waste is stored or treated under protected conditions eliminating the possibility of ignition or reaction.
- 7. Covered tanks used to treat or store Ignitable or Reactive wastes are in compliance with NFPA buffer zone requirements (Flammable and Combustible Code 1977). (265.198(b)) [3745-66-98(B)]
- B. Incompatible waste materials are placed in the same tanks or put in contaminated tanks only under completely controlled and safe conditions as specified in Section 265.17(b). (265.199) [3745-66-99(A)(B)]
- 9. Whenever a tank is permanently taken out of service or upon closure of the facility all hazardous wastes and residues are removed and properly disposed of. (265.197) [3745-66-97)]

Yes No	N/A 19.19.1		<u>×</u> #	ar
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			U	

for Jank #6



### State Of Ohio Environmental Protection Agency

theast District Office 2110 E. Aurora Road; Twinsburg, Ohio 44087-1969

(216) 425-9171

Richard F. Celeste, Governor

July 29, 1986

RE: RB&W-KENT

PORTAGE COUNTY

G

OHD 004-196-614

AHR 4 1986

G.S. EPA, RESION V WASTE MANAGEMENT DIVISION HAZARDOUS WASTE ENFORCEMENT BRANCH

Mr. Nick P. George, Facilities Engineer Russell, Burdsall & Ward Corporation 800 Mogadore Road Kent, Ohio 44240

Dear Mr. George:

Thank you for the courtesies extended by you during my May 15, 1986 inspection at your facility. The purpose of this inspection was to determine your facility's compliance status with applicable State and Federal rules pertaining to the generation and temporary accumulation on-site (in drums and tanks) of regulated hazardous wastes. A copy of the inspection report completed at the conclusion of the inspection is attached for your information. The following violations noted in the report require your prompt attention:

#### 1. Storage of Waste On-Site for Greater Than 90 Days

Of the twenty-four drums of hazardous wastes stored in building #7, four (4) drums were noted as having accumulation start dates in excess of 90 days. Secondly, unusable cadmium plating solution (F007) has been held in a dock tank (believed to be Tank #6) in excess of one year, according to your recollection. Both of these situations constitute unauthorized hazardous waste storage and are as such violations of Ohio Revised Code Section 3734.02(E). RB&W should immediately remove these waste materials from the facility by shipping them off-site to a permitted disposal firm. A closure plan for the dock tank should be prepared and submitted for approval (Reference 40 CFR 265.110/0AC 3745-66-10).

#### 2. Failure to Determine Waste Characterization

Several drums stored in an area south of building #6 were unidentified as to their contents. A small dumpster type box (approx. 1 yd  $^3$ ) located in that same area was noted as containing white sludge-like waste which you believed originated from the pickling line. This waste material had not been evaluated for hazardous properties. RB&W's failure to have performed the required waste determinations is a violation of 40 CFR 262.11 and OAC 3745-52-11.

#### 3. Failure to Mark Accumulation Dates

The two waste acid tanks (#19 and 19-A) were not marked with dates of accumulation, in violation of 40 CFR 262.34 (a)(2) and OAC 3745-52-34(A)(2).

Mr. Nick P. George July 29, 1986 Page 2

#### 4. Failure to Conduct Weekly Drum Inspections

RB&W has failed to conduct weekly inspections of the accumulated hazardous waste drums, in violation of 40 CFR 265.174 and OAC 3745-66-74. You stated that such inspections had not been conducted since the security guard was dismissed.

#### 5. Failure to Conduct Daily Tank Freeboard Inspections

RB&W has failed to conduct the daily freeboard level inspection of tank #19-A (waste pickling acid tank), in violation of 40 CFR 265.194 and 0AC 3745-66-94.

Note: Since the weekly log form already uses a number system to identify product and waste tanks, that same system should be used on the daily log form. The corresponding tank numbers should be painted on the tanks as well.

#### 6. Personnel Training

RB&W's personnel taining program was found to be inadequate both in its implementation and in record keeping, in violation of <u>OAC 3745-65-16 and 40 CFR 265.16.</u> Management personnel and McArthur Milbry (2nd shift) had not participated in a hazardous waste training session since 1984. Also, job descriptions for the management and hourly personnel performing hazardous waste management duties were not available.

All necessary training should be conducted. (As a reminder, the hourly personnel were last trained in August 1985; so, their 1986 annual training should be done also.) Job descriptions for all appropriate personnel should be revised and updated as necessary to reflect their hazardous waste management duties, and submitted to this office along with the training documentation.

#### 7. Contingency Plan

RB&W's contingency plan does not comply with the applicable State and Federal Rules, OAC 3745-65-51 thru 56.and 40 CFR 265.51 thru 56.

Specifically, the plan needs to be revised to describe appropriate fire and spill response procedures for all hazardous wastes managed at the facility in drums and tanks. The facility map should be updated to show the locations of all hazardous waste drums and tanks, and of all spill and fire response equipment.

The types and capabilities of all spill and fire response equipment should be described in the plan.

The emergency coordinators list should be updated.

\*\*\*Documentation demonstrating compliance with the above noted violations should be sumbitted to this office within thirty (30) days of receipt of this letter.

Mr. Nick P. George July 29, 1986 Page 3

Regarding the weekly drum inspections, please be advised that RB&W is required to conduct and log weekly inspections of all drums of hazardous wastes, including drums in productions areas where more than 1 drum (55-gallons) is being accumulated. A copy of the rule describing this 1 drum provision, OAC 3745-52-34, is attached for your information.

Also, during the inspection we viewed RB&W's old wastewater/oily waste lagoon. Per your previous agreement with Mr. William Skowronski of this office, this lagoon was to have been closed in July, 1985. However, I noted that RB&W had not accomplished the task and suggested the name of a clean-up firm who could remove the accumulated oily water from the lagoon to expedite closure. As of this writing, this office expects that RB&W has successfully completed closure of this old lagoon. RB&W should advise this office, in writing, as to its status.

A copy of this inspection report is being forwarded to U.S.  $\mbox{EPA}$  -  $\mbox{Region}$  V  $\mbox{Enforcement Group for their consideration.}$ 

If you have questions, please call.

Sincerely,

Deborah J. Berg

District Inspector

Division of Solid and Hazardous Waste

Management

DJB/sp

Enclosure

cc: Dave Mentzer, DSHWM, Central Office Paul Dimock, U.S. EPA, Region V

1	May	15	1986	-	1:00-4:30)	M.
4	Date	and	Time	of	Inspection	٠

Date and Time of Inspection RCRA INTERIO	
HINFAB #	
U.S. EPA I.D. # OHD 004-196-61	4
ILS EPA I.D. # OHD	
City: Kent	
CATV: //	
GENERAL INFORMATION Address: 800 Mogadore Road Telephone: 216-673-3446	ğ.
GENERAL INFORMATION  Address: 800 Magadore Telephone: 216-693-3774	
DB & W. Corporation	
Facility: RB + W. Code: 44340 County:	
77 4 1 A TO	
State:	~
(11010)	
(Name) Facilities Engineer and	
Facilities	
1. Nick P. George Facilities	
2	
INSPECTOR(S). 316-403-4777	•
3	
District Inspector	
Deborah J. Berg	
1. <u>Deporting</u>	
2.	
INSTALLATION ACTIVITY  3	
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the ds a TSDF, check the boxes indicate	
If the site is a TSDF, check the	
uark line	
Mark one  General Facility Standards, Preparedness  General Facility Standards, Preparedness  All Generator only (G)  General Facility Standards, Preparedness  All Generator only (G)  Land Treatment D81  And Prevention, Contingency and Emergency  And Prevention and Prevention, Contingency and Emergency  And Prevention and Preventi	
and Prevention, Contingency and Land  and Prevention and Land  and Prevention and Land  and Prevention and Land	
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Transporter (T)  /X/ Containers SO1  / Chemical/Physical/	
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TSDF only	
/ / Tanks S02/T01  /X/ Tanks S02/T01  / Groundwater Monitoring	
/ / G-T / Groundwater Home	
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RCRA INTERIM STATUS	INPLECTION	1 01111
KCKA INTENTIL		

				submitted	а	Part	٨	to	Ohio?
١.	Has	the	facility	2 HDINI CCCA	u	, 4, +	•		

- If "yes", is it complete and accurate?
- 3. Has the facility submitted a Part B?
- 4. Was advance notice of the inspection given? If so, how far in advance?

IF THE SITE HAS RECEIVED A PART B PERMIT, USE THE RCRA STATUS INSPECTION FORM.

Include a brief description of site activity and waste handling.

290 day storage drums and tanks

Remark #

15 weeks

N/A

Yes

		62 (DAC 3745-52) GENERATOR REQUIREMENTS				·
			Yes .	No	N/A	Remark #
	ackn comp	hazardous waste(s) generated at this facility have been tested or are owledged to be hazardous waste(s) as defined in Section 261 and in liance with the requirements of Sections, 262.11. [3745-52-11(D)]		*	·	
2.	Does regu Sect	this facility generate any hazardous wastes that are excluded from lation under Section 261.4 [3745-51-04] (statutory exclusions) or ion 261.6 [3745-51-06(A)(1)] (recycle/reuse)?		<u>√</u>	<u></u>	
3.	from [374 wast	this facility have waste or waste treatment equipment that is excluded regulation because of totally enclosed treatment (Section 265.1(c)(9)) 15-65-01] or via operation of an elementary neutralization unit and/or treatment unit (Section 265.1(c)(10) [3745-65-01]		<u>V</u>		
4.	The	generator meets the following requirements with respect to the preparation, and retention of the hazardous waste manifest:	1 6	1	10 14	) of 6 man 86; surger May 16, 1986
	a)	The manifest form used contains all of the information required by Section 262.21(a) and (b) [3745-52-21] and the minimum number of copies required by Section 262.22 [3745-52-22].	<u>V</u>			
	b)	The generator has designated at least one permitted disposal facility and has/will designate an alternate facility or instructions to return waste in compliance with Section 262.20 [3745-52-20(B)(C)(D)].	¥			
	c)	Prepared manifests have been signed by the generator and initial transporter in compliance with Section 262.23 [3745-52-23(A)(1 and 2)].	V			
	<b>d)</b>	The generator has complied with manifest exception reporting requirements (investigate after 35 days, report after 45 days) in Section 262.42(a)(b) [3745-52-42].			. 🗸	
	e)	Signed copies of all hazardous waste manifests and any documentation required for Exception Reports are retained for at least 3 years as required by Section 262.40 [3745-52-40]. (262.40(a)) [3745-52-40(a)]			<u> </u>	
					•	

j.	The	generator meets the following hazardous waste pre-transport requirements:			
	a)	Prior to offering hazardous wastes for transport off-site the waste material is packaged, labeled and marked in accord with applicable DOT regulations (Section 262.30, 262.31 and 262.32(a)) [3745-52-30, 3745-52-31, 3745-52-32]	<u> </u>	ly &	ansil_
	b)	Prior to offering hazardous wastes for transport off-site each container with a capacity of 110 gallons (416 liters) or less is affixed with a completed hazardous waste label as required by Section 262.32(b) [3745-52-32].	· <u>\</u>	_ by R.	B <u>W</u>
		The generator meets requirements for properly placarding or offering to properly placard the initial transporter of the waste material in compliance with Section 262.33 [3745-52-33].	<u>\</u>	_ hy Envir	utt & Hansel
6.	Haz	ardous wastes imported from or exported to foreign countries are handled in accordance with the requirements of Section 262.50 [3745-52-50]			
7.	<u>tan</u> Sec	the generator elects to store hazardous waste on-site in <u>containers</u> or <u>iks</u> for <u>90 days</u> or less without a RCRA storage permit as provided under tion 262.34 [3745-52-34], the following requirements with respect to the storage are met:			
•	a)	The containers are clearly marked with the words "Hazardous Waste".			
	b)	The date that accumulation began is clearly marked on each container.		<b>Y</b> —	tanks
	The Sec equ with	e generator has provided a Personnel Training Program in compliance with ction 265.16(a)(b)(c) [3745-65-16(A)(B)(C)] including instruction in safe inposent operation and emergency response procedures, training new employees thin 6 months and providing an annual training program refresher course.		<u> </u>	
9.		e generator keeps all of the records required by Section 265.16(d)(e) 745-65-16(D)(E)] including written job titles, job descriptions and documented ployee training records (Section 262.34) [3745-52-34(A)(4)].		<u> </u>	· .
	•			.*	

Remark #

N/A

<u>Yes</u>

NOTE: SHORT-TERM STORAGE FOR 90 DAYS OR LESS IN TANKS AND CONTAINERS ALSO REQUIRES THAT REGULATIONS IN SECTION 265 [3745-65], SUBPARTS C AND D (PREPAREDNESS AND PREVENTION PLUS CONTINGENCY AND EMERGENCY) AND CERTAIN PORTIONS OF THE "CONTAINERS" AND "TANKS" RULES BE MET. COMPLETE THE APPROPRIATE SECTIONS OF THE INSPECTION FORM.

REMARKS, GENERATOR REQUIREMENTS

Yes	No.	N/Λ	Remark #
Subpart C: Preparedness and Prevention			•
Has there been a fire, explosion or non-planned release of hazardous waste at this facility? (265.31) [3745-65-31]		<del></del>	-
If required due to actual hazards associated with the waste material, the facility has the following equipment: (265.32) [3745-65-32(A)(B)(C)(D)]	· .		
a) Internal alarm system.		<del></del>	•
b) Access to telephone, radio or other device for summoning emergency assistance.	_		
c) Portable fire control equipment.			•
d) Water of adequate volume and pressure via hoses sprinkler, foamers or sprayers.			<del></del>
All required safety, fire and communications equipment is tested and maintained as necessary; testing and maintenance are documented. (265.33) [3745-65-33]		·	
If required due to the actual hazards associated with the waste material, personnel	<u> </u>		
If required due to the actual hazards associated with the waste material, adequate aisle space to allow unobstructed movement or emergency or spill control equipment is maintained. (265.35) [3745-65-35]	<u>.</u>		
If required due to the actual hazards associated with the waste material, the facility has attempted to make appropriate arrangements with local emergency service authorities to familiarize them with the possible hazards and the facility layout. (265.37(a)) [3745-65-37(A)]	<u> </u>	•	
Where state or local emergency service authorities have declined to enterinto any proposed special arrangements or agreements the refusal has been documented. (265.37(b)) [3745-65-37(B)]			

· ·	RCRA INTERIM STATUS INSPECTION TOWN	llo	11/1	Remark /L
:	· · · · · · · · · · · · · · · · · · ·			
	Subpart D: Contingency and Emergency			
•	The facility has a written Contingency Plan designed to minimize hazards from fire, explosions or unplanned releases of hazardous wastes (265.51)			
!	[3745-65-52(N)(b)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)	<b>Y</b> -		·
	ar agreements with local or state emergency authorized.			• • •
	addresses and telephone numbers of all persons qualified	<u> </u>	MI	eds revision
	emergency coordinator.			
•	d) A list of all emergency equipment including location, physical description and outline of capabilities.			
	e) If required due to the actual hazards associated with the waste(5, 52(F)]	_ 🕊	•	
	A copy of the Contingency Plan and any plan revisions is maintained.  A copy of the Contingency Plan and any plan revisions is maintained to that might be been submitted to all local and state emergency service authorities that might be been submitted to all local and state emergency service authorities that might be been submitted to all local and state emergency service authorities that might be been submitted to all local and state emergency service authorities that might be been submitted to all local and state emergency service authorities that might be been submitted to all local and state emergency service authorities that might be been submitted to all local and state emergency service authorities that might be been submitted to all local and state emergency service authorities that might be been submitted to all local and state emergency service authorities that might be been submitted to all local and state emergency service authorities that might be been submitted to all local and state emergency service authorities that might be be a submitted to all local and state emergency service authorities that might be be a submitted to all local and state emergency services authorities that might be be a submitted to all local and state emergency services authorities are submitted to all local and state emergency services authorities are submitted to all local and state emergency services authorities are submitted to all local and state emergency services authorities are submitted to all local and state emergency services are submitted to all local and state emergency services authorities are submitted to all local and state emergency services are submitted to all local and state emergency services are submitted to all local and state emergency services are submitted to all local and state emergency services are submitted to all local and state emergency services are submitted to all local and state emergency services are submitted to all local and state emergency are submitted to all local and state emergen		· ———	<u>.</u> <u></u>
3.	required to participate	*		
4.	or failure of the product of the product of the continues (on-site or on-call) is  An emergency coordinator is designated at all times (on-site or on-call) is  familiar with all aspects of site operation and emergency procedures and has the  familiar with all aspects of the Contingency Plan. (265.56) [3745-65-55]		<u>"</u>	training not up
5.	authority to implement all as accurred, the emergency coordinator has implemented			<u>/</u>

# Subpart I: Management of Containers

		Subpart I: Management of Containers	<u>Yes</u>	<u>110</u>	<u> H/A</u>	Remark #
1.	. 1	Nazardous wastes are stored in containers which are:	✓.			
		a) Closed (265.173) [3745-66-73(A)]	<u>V</u>		<del></del>	
		b) In good physical condition (265.171) [3745-66-71] c) Compatible with the wastes stored in them (265.172) [3745-66-72].		<del></del>		
2		Containers are stored closed except when it is necessary to add or remove wastes. (265.173(a)) [3745-66-73(A)]	1			
3	3.	Hazardous waste containers are stored, handled and opened in a manner which		<del></del>		
4	١.	The area where containers are stored is inspected for evidence of leaks or corrosion and leaks weekly and such inspections are documented. (265.174) [3745-66-74]	on 	1	<u> </u>	<u> </u>
!	5	containers holding Ignitable or Reactive waste(s) are located at least 30 least	,			
	÷	such wastes in Section 203.11 (Physical Leaves 176) [3745-66-76]	<u>V</u>			
•	6.	Containers holding hazardous wastes are stored separate from other materials which may interact with the waste in a hazardous manner. (265_177(c)) [3745-66-77(C)]			,	•

1 .

		<u>Yes</u>	<u>No</u>	<u>N/A</u>	Remark #	
	<u>Subpart J: Storage in Tanks</u>	•			•	
1.	The tank(s) are operated in compliance with the safety requirements of Sections 265.17 and 265.192(b) [3745-66-92(B)] and are equipped with a waste-feed cutoff or bypass system as required in Section 265,192(d) [3745-66-92(B)].	<u> </u>	de marcona de la Carta de la C	· · · · · · · · · · · · · · · · · · ·	<u></u>	
2.	Uncovered tanks have at least 2 feet (60 cm.), of freeboard unless they are equipped with a spill containment system with a capacity that equals or exceeds the volume that 2 feet of freeboard would otherwise provide. (265.192(c)) [3745-66-92(C)]	<u></u>			· .	
3.	Daily inspections are made of all systems pertinent to the proper operation of the tank: discharge and cutoff, monitoring equipment, tank level and freeboard. $(265.194)$ [3745-66-94(A)(B)(C)]		V	80 	dd Tark 19 daily log	· ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・
4.	Weekly inspections are made of all tank construction materials and containment structures. (265.194) $[3745-66-94(D)(E)]$	<u> </u>		<i></i>	must o	
5.	Whenever tanks are used to treat or store wastes substantially different from previous wastes or when substantially different treatment processes are used in the tank, the facility has insured the safety of such changes by one or both of the following methods: (265.193(a)) [3745-66-93(A)(B)]					
	a) A complete waste analysis plus bench scale tests or pilot tests were conducted prior to implementing the proposed changes and all data is on file in the facility operating record.		<del></del>	<u> </u>		
	b) Written, documented information on similar storage or treatment process changes was obtained prior to implementing the proposed changes and all documentation is on file in the facility operating record.		-	<u>√</u>	<del></del>	

		163	140	11/17	Kemark #	
5.	With the exception of emergency situations, whenever Ignitable or Reactive wastes are placed in tanks the facility has insured the safety of the operation by one or both of the following methods: (265-198(a)) [3745-66-98(A)]					
	a) The waste is treated immediately before or after being placed in the tank so that it is no longer Ignitable or Reactive and such treatment is done in compliance with the safety requirements of Section 265.17(b) [3745-65-17(B)].	· · ·	.:	_/		
	b) The waste is stored or treated under protected conditions eliminating the possibility of ignition or reaction.	·		<u> </u>		
·.	Covered tanks used to treat or store Ignitable or Reactive wastes are in compliance with NFPA buffer zone requirements (Flammable and Combustible Code 1977). (265.198(b)) [3745-66-98(B)]			<u> </u>		
3	Incompatible waste materials are placed in the same tanks or put in contaminated tanks only under completely controlled and safe conditions as specified in Section 265.17(b). (265.199) [3745-66-99(A)(B)]		<del></del> .	<u></u>		
).	Whenever a tank is permanently taken out of service or upon closure of the facility all hazardous wastes and residues are removed and properly disposed of. (265.197) [3745-66-97)]			<u> </u>		

DUNS: 00-151-5261
RUSSELL BURDSALL & WARD
CORPORATION
F+METAL FORMING DIV

KENT OH 44240 800 MOGADORE RD KENT OH 44240

TEL: 216 673-3446

DATE PRINTED OCT 18 1985

MFG NUTS SIC NO. 34 52 RATING

BRANCH

EMPLOYS 250

BRANCH MANAGER: PAUL D BOY

PAYMENTS	(Amounts may be	rounded :	to nearest	figure	in prescribed r	anges)
REPORTED	PAYING	HIGH	NOW	PAST	SELLING	LAST SALE
	RECORD	CREDIT	OWES	DUE	TERMS	WITHIN
		Separated to Mass				
09/85	Ppt	2500	250	(_)		2-3 Mos
	Fpt	750	(')	()	N30	6-12 Mos
	Fpt	100	()	(_)		6-12 Mos
	Slow 15		(	( <u>`</u> )		6-12 Mos
08/85	Disc	1000	250	···· (") ····		1 Ma
	Ppt		····· ( ) ·····	···· () ····	NGO	2-3 Mos
	Ppt-Slow 30	15000	15000	10000	1 10 Prox	1 Ma
	51 OW 15	250	50	50		
	Slow 30-60	5000	()	( <u>`</u> )	1 10 Prox	6-12 Mos
	(010)	2500	<b>E500</b>	250		2-3 Mas
07/85	Ppt	10000	O	···· () ····		4-5 Mos
	Ppt	5000	2500	()		1. Mo
	Ppt	1000	750	()	NSO	1 Mo
	Ppt	100	()	(")	N30	6-12 Mos
	Ppt	50	50	( <u>`</u> )	N30	1 Ma
	Slow 5		()			
05/85	Ppt	250	( <u>)</u>	···· (_) ····	N3O	6-12 Mos
01/85	Fot	1000	()	(`)	N3O	6-12 Mos
	Slow 10	100	()	Q	1/2 10 N30	6-12 Mos
12/84	Slow 90	250		()		1. Ma
10/84	(021)	500	(`)	···· (_) ····	N30	

This is a branch: headquarters are located at 8100 Tyler Blvd, Mentor, OH. Headquarters D-U-N-S 00-698-7218. The manager has authority to make all purchases. Bills are paid generally from headquarters. This branch manufactures nuts.  $10-18\,(000-/14)$ 

FULL DISPLAY COMPLETE

#### \*IN DATE\*

# Statement Date: DEC 31 1984 RATING CHANGE

DUNS: 00-698-7218 DATE PRINTED SUMMARY RUSSELL BURDSALL & WARD OCT 21 1985 RATING 443 CORPORATION FORMERLY MFG METAL SCREWS. 5970 HEISLEY NUTS AND METAL 1901 . STARTED AND BRANCH(ES) OR DIVISION(S) FASTENERS AND WHOL PAYMENTS SEE BELOW MENTOR OH 44060 METAL FASTENERS SALES F \$163,290,000 TEL: 216 357-1200 WORTH F \$24,780,000 SIC NOS. EMFLOYS 1,700(25 HERE) 34 52 50 72 HISTORY CLEAR FINANCING SECURED CONDITION FAIR TREND UP

CHIEF EXECUTIVE: JOHN J. LOHRMAN, CHB

PAYMENTS REPORTED	(Amounts may be PAYING RECORD	rounded HIGH CREDIT	to nearest NOW OWES	figure PAST DUE	in prescribed SELLING TERMS	ranges) LAST SALE WITHIN
10/85	Ppt	100000	100000	···· (`) ····		i Mo
13s 'vv' s' band sees'	Ppt	70000	40000	Ō	NJO	1 Mo
	Disc-Slow 60	20000	10000	250	- 1 100 ()	2-3 Mos
	Disc-Slow 60	2500	750	50		2-J Mos
	Ppt-Slow 30	750	100	100		4-5 Mos
	(004)	100000	100000	-Ö-	NSO	1 140
	(007)	10000	10000	()	NSO	i Mo
09/85	Disc	1000	750	~O-	1/2 10 N30	1 Mo
0.33.000	Disc	250	-0-	()	1 10 N30	6-12 Mos
	The first for	25000	50o		NSO	Specific of C. Salvery . I de Sound' serve"
	Ppt	10000	1000	()	NSO	1 Mo
	Ppt	10000	5000		N30	1 MC
	10 4.5 4.	7500	-0-	()	e de tons	6-12 Mos
	Fot	5000	()	~~ (_) ~~		6-12 Mos
	Ppt	5000	5000	-ō-	N30	l Mo
	Pot	5000	2500	·	3 Tomor Mar	a. , ra
	Fut	2500	1000	n.v () n.w	2 10 N30	1 Mo
	Pot	2500	250	O	Hen Marin' Elitination'	2-5 Mos
	Ppt	1000	1000	(`)	N30	1 Mo
	Ppt	500	-0-	(`)	( ) ( )	6-12 Mos
	Ppt	250	100	O	NSO	i Mo
	Ppt	250	···· () ····		NZ	4-5 Mos
	Ppt	250	100	~~ () ·~··	NBO	1 Mo
	Fot	100		Ō	. ( 40 1)	6-12 Mas
	Pot	100	100	()	N30	1 Mo
	Pot-Slow 30	10000	7500	5000	T Pac w	1 Mo
	Ppt-8low 30	10000	2500	0		1 Ma
	Slow 5	1000		()		2-3 Mos
09/85	Diec	1000	250	~ ()		i Mo
s may being	Fpt	1000		()	N30	6-12 Mos
	Fig.t.	1000	O	~Ö~	N30	Transman 1900 orbitals (C. o. 2007) (AME)

07/85

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Fpt	100	100	···· (``) ·····	NSO	1 Ma
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Ppt-Slow 30	15000	15000	10000	1 10 Prox	i Mo
Ppt-Slow 30	2500	1000	()	NSO	i Mo
Ppt-Slow 30	2500	2500	()	at at any arm.	2-3 Mos
Ppt-Slow 60	1000	250	50	1 10 Prox	1 Mo
Slow 15	500 mers	500	100		i Mo
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91ow 100	2500	nere () can	error () some		770. SAID ( )
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Disc	250	neer () rese	sour ( ) sour	i 10 N30	4-5 Mos
Fp:	10000	5000	etne ( ) dece		1 Mo
Ppt	10000	5000	()	to the second of	
Fpt	7500	7500		NIO	ì Mo
Fpt	7500	7500	()		i Mo
F'p t	5000	1000	( <u>"</u> )		i Mo
Ppt	2500	· • • • • • • • • • • • • • • • • • • •	····· () ····		
Ppt	2500			NSO	1 Mo
Ppt	2500	250	····() ····		i Mo
Ppt	2500	2500	0	M30	1 Mo
Ppt.	1000	500		N30	1 Mo
Frt	1000	750	···· () ····	N30	1 Mo
Ppt	1000	1000	( <u>`</u> )		
Ppt	1000	Ö	(*)		6-12 Mos
Ept	<b>75</b> 0	500	·	NSO	i Mo
Ppt	500	·()	(`)		6-12 Mos
Ppt	500		trans ( ) and	N3O	6-12 Mos
Ppt	500	500	()	NGO	1 Mo
ret	500	500	Make <equation-block> Green</equation-block>		1 Mo
Ppt	250	Ö	()	N30	2-3 Mos
F'pt	250	()			4-5 Mos
Fpt	250	ZEO	(_)	NEO	i Mo
Ppt	250	···· () ····	···· (j)		4-5 Mos
Ept	250	100	()	N7	1 Mo
Ppt	250	···· () ····	1194 🕌 14.44	NSO	6-12 Mos
Disc-9low 30	2500	2500	1000		1 Mo
Ppt-Slow 15	250	-0-	-0-	NEO	6-12 Mos
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Ppt-Slow 30	1000	1000	···· (_) ····		1 Ma
Ppt-Slow 30	500	100	50	NΖ	1 Mo
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31ow 15	1000	250	~~ (_} ~~		e y a casa de ja Na alemania
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S1ow 30	250	Service ( ) even	···· (_) ····		6-12 Mos
(080)	15000	()	**** () *****	N30	

Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

04/18/85

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\* A FINANCIAL SPREAD SHEET OF COMPARATIVES, RATIOS, AND INDUSTRY AVERAGES
-- \* MAY BE AVAILABLE. ORDER A DUNS FINANCIAL PROFILE VIA YOUR DUNSPRINT
-- \* TERMINAL OR LOCAL D&B OFFICE

Fiscal Fiscal Fiscal Consolidated Consolidated Consolidated Dec 31 1982 Dec 31 1983 Dec 31 1984 52,625,000 Curr Assets 53,486,000 65,071,000 19,204,000 Curr Liabs 12,362,000 26.668.000 4.26 Current Ratio 2,79 2.44 40,263,000 Working Capital 34,282,000 38,403,000 Other Assets 21,668,000 28,405,000 29.403.000 Long Term Debt 36,250,000 37,623,000 40,482,000 Worth 19,565,000 21,376,000 24,780,000 Sales 113,888,000 137,894,000 163,290,000 1,765,000 Net Income (Loss) (5,413,000) 17,643,000 Fiscal Consolidated statement dated DEC 31 1984: \$ 3,909,000 Accts Pay \$ 9,643,000 Cash 5,887,000 18,964,000 Accruals 5,887,000 26,279,000 L.T. Liab-(1yr) 11,138,000 10,299,000 Accts Rec Inventory Other Rec Supplies 4,710,000 Ppd 910,000 Curr Assets 45,071,000 27,908,000 26,668,000 40,482,000 Curr Liabs Fixt & Equip Long Term Debt Intangibles 876,000 L.T. Liab-Other 2,544,000 Poty Held For COMMON STOCK 4,425,000 ADDIT. PD.-IN CAP 9,683,000 RETAINED EARNINGS 11,905,000 270,000 Sale 1,225,000 Other Assets TRANSLATION ADJUSTMENT (357,000)

Total Assets 95,350,000 Total 95,350,000 From JAN 01 1984 to DEC 31 1984 sales \$163,290,000; cost of goods sold \$135,629,000. Gross profit \$27,661,000; operating expenses \$14,837,000. Depreciation \$2,780,000. Operating income \$10,044,000; other income \$1,280,000; other expenses \$4,577,000; net income before taxes \$6,747,000; Federal income tax \$1,257,000; loss carryforward \$1,251,000. Extraordinary gain \$10,902,000. Net income \$17,643,000. Retained earnings at start (\$5,738,000). Net income \$17,643,000; retained earnings at end \$11,905,000.

Prepared from statement(s) by Accountant: Price Waterhouse.
ACCOUNTANTS OPINION: "A review of the accountant's opinion indicates that the audit meets generally accepted accounting principles and contains no qualifications".

Item worth shown in summary section was computed after deduction of intangibles, totaling \$876,000. Accounts receivable shown net less \$411,000 allowance. Fixed assets shown net less \$8,410,000 depreciation. The financial statements present, on a consolidated basis, the accounts of Russell, Burdsall & Ward Corporation and subsidiaries, all of which are wholly-owned. All significant

intercompany transactions have been eliminated.

Inventories: Inventories are valued at the lower of cost or market with cost determined using the last-in, first-out (LIFO) method.

Other receivables of \$10,299,000 are funds owing to the company as a result of the termination of certain pension plans.

Three of the company's pension plans, which provided coverage to salaried employees, were terminated in Dec 1984. The company will purchase annuities to provide guaranteed full benefits for all covered employees with vested or accrued benefits under the terminated plans.

The extraordinary gain resulting from the termination of the pension plans is comprised of excess funds, which should approximate \$10,299,000, to be remitted to the company and the reversal of a related long term pension liability of \$603,000.

Property held for sale of \$270,000 consists of fixed assets of certain discontinued operations.

Long term debt, current and deferred, at Dec 31 1984 consisted of: Term bank loan of \$18,000,000.

Revolving bank loan of \$18,500,000.

Bridge bank loan of \$10,000,000.

Industrial development revenue bonds of \$860,000,

Equipment notes of \$4,205,000.

Capital lease obligations of \$55,000.

On Dec 31 1984 the company entered into a new revolving loan and credit agreement with a group of domestic banks. Under the terms of the new agreement, the company may borrow, on a revolving basis, up to \$25,000,000 until Dec 31 1987, a portion of which can be utilized in the form of an acceptance facility.

The credit agreement also provides that at Dec 31 1987 the company may convert the amount outstanding under the revolving credit facility into a term loan payable in sixteen consecutive quarterly installments of principal and interest commencing Mar 31 1988.

The revolving loan bears interest at a rate of 1/2 of 1 percent above the bank's base rate, and interest is payable quarterly commencing on Mar 31 1985. The term loan bears interest at a rate of 3/4 of 1 percent above the base rate. Compensating balances of 7% of the commitment are required, and the company must pay a commitment fee of 3/8 of 1 percent per year on the average unused portion of the commitment.

The term loan and the borrowings under the credit agreements are secured by a major portion of the company's current assets (other than the receivable which results from the termination of certain defined benefit pension plans that secures the bridge loan referred to below) and substantially all of the company's fixed assets.

The agreements contain certain covenants which, among other things, restrict the payment of dividends, limit future borrowings, require maintenance of certain financial ratios and restrict the amount of lease obligations which may be incurred.

The company was in compliance with these restrictions at Dec 31 1984 and for the year then ended.

On Dec 31 1984 the company also entered into a \$10,000,000 bridge loan agreement and borrowed \$10,000,000 thereunder from the same banks as above. The loan under this agreement is payable in eleven consecutive monthly installments of principal commencing Sep 1 1985 and bears interest until Aug 31 1985 at a rate of 1 percent above the

base rate and thereafter at 1 and 1/4 percent above the base rate.

Interest is payable on Apr 1 1985, Jul 1 1985, Sep 1 1985 and monthly thereafter. The entire bridge loan is classified as current, because it is expected that the company will receive the excess funds from certain terminated pension plans after appropriate approvals by federal agencies in 1985. The excess funds will be used to repay the loan at that time.

The industrial development revenue bonds bear interest of 6.50% and mature through Mar 1992.

The equipment notes were issued in 1983, are secured by equipment, interest at 1/2 of 1 percent above prime and are payable in 20 quarterly installments beginning six months after the date the equipment was shipped.

Long term liabilities other of \$2,544,000 include deferred items such as long term employee benefits.

The company leases certain manufacturing, warehouse and office facilities and other equipment under leases which are generally renewable. Many of the leases provide that the company will pay the taxes, insurance and maintenance on the leased property. Total rent expense for continuing operations charged to income was \$2,633,000 in 1984, \$2,863,000 in 1983 and \$2,755,000 in 1982.

Minimum operating lease commitments for continuing operations are: 1985 - \$2,191,000; 1986 - \$1,403,000; 1987 - \$841,000; 1988 - \$490,000; 1989 - \$182,000 and later years - \$1,000.

No contingent liabilities reported.

This corporation has operated under various forms of ownership since its inception. Since Dec of 1977, When it acquired the assets of Russell Burdsall & Ward for \$54 million (of which \$40 million was borrowed), the business has been in a heavy debt position.

Primarily because of interest expenses the business operated at losses in 1980, 1981 and 1982. In 1982 the loss was widened by a \$5,070,000 charge to income for the eventual discontinuance and sale of the company's unprofitable Mangel's Stores retail division.

During 1983 several programs were essentially completed, which, along with the improving economy, increased sales, reduced costs and returned the company to a profitable basis.

The company sold its plant in Mentor, OH and moved manufacturing to smaller facilities. Also in 1983 total capital expenditures were \$11.1 million with \$5.1 million spent on new machinery to improve the company's capabilities in cold forming parts.

With certain industries showing improvement in 1983 (particularly the automobile field) sales for the company showed an 11% increase over the preceding 12 month period. Also, due to better plant utilization, gross margins improved to \$15.1% in 1983 compared to 13% for the preceding year.

The sales improvement and the gain in gross margins were the main reasons for the return to profitability in 1983. Net income was also favorably affected by an operating loss carryforward and a favorable tax settlement on discontinued operations.

Revenues in 1984 increased 18% over those of 1983 reflecting the significant recovery in the automotive and truck industries as well as increases in the company's share of those markets.

Gross margins improved to 17% in 1984 compared to 15.1% in 1983 largely as a result of increased productivity.

Selling, general and administrative expenses rose only marginally and the company had other income of approximately \$1.3 million from the sale of two plants which had been closed in 1982.

Interest expense increased to \$4.6 million due to increased borrowings during the year.

As a result of these factors pretax profits increased in 1984. Net income also benefited from a loss carryforward of \$1.3 million and an extraordinary gain of \$10.9 million from the termination of certain employee pension plans.

Although net income for the year was \$17.6 million, and no dividends were paid, net worth increased by only \$3.4 million. On Dec 31 1984 the company purchased and retired all of its 200,000 shares of preferred stock for \$20 million. The company financed the purchase of its preferred stock through borrowings and the private sale for \$6 million of 1.2 million shares of its common stock to two institutional investors (life insurance companies).

The Dec 31 1984 balance sheet reflected a fair condition with a moderately heavy debt position.

The current position was satisfactory with a combination of cash, accounts receivable and other receivables in excess of total current liabilities.

\$10 million of current liabilities was a bridge bank loan to be paid from the proceeds of other receivables of \$10.3 million.

At Dec 31 1984 cash and accounts receivable were more than double vendor obligations. The average collection period for receivables computed to 42 days.

The company's net working capital was 146% of inventories and the ratio of inventories to sales was 6.2 times.

The combination of good inventory turnover and fairly close collections of receivables has provided sufficient liquidity to meet trade bills as agreed. Management attributes reports of slowness by suppliers to disputes or misunderstandings.

Long term debt at Dec 31 1984 was 163% of tangible net worth. The majority of long term debt is represented by bank borrowings which are secured by a major portion of the company's current and fixed assets.

Although sales were down moderately in the first six months of the current year, profits are up due to higher margins and reductions in expenses.

Sales for the six months ended Jun 29 1985 were \$80,971,000 compared to \$85,307,000 for a similar period in 1984.

Net income was \$7,126,000 compared to \$3,716,000 for 1984's first six months.

An interim Jun 29 1785 balance sheet shows cash at \$3,486,000, accounts receivable of \$22,299,000, receivables resulting from pension plan termination of \$14,462,000 and inventories of \$24,357,000.

Accounts payable and accrued liabilities amounted to \$14,817,000 and current portion of long term debt was \$11,139,000.

There were no major changes in other assets or long term debt. On Sep 16 1985 Boyd Murdock, secretary and treasurer, said that during Jul and Aug approximately \$13.5 million had been received from the pension plan termination and bank debt had been reduced by that amount.

#### UCC FILING

\_04/18/85

Financing Statement #B618807 filed 12-27-84 with Secretary, State of OH. Debtor: Russell Burdsall & Ward Corporation, Mentor, OH. Secured Party: National City Bank, Cleveland, OH. Collateral: specified accounts receivable, contract rights, chattel paper, general intangibles, negotiable instrument, inventory, equipment including proceeds and products.

04/18/85

Financing Statement #B618808 filed 12-27-84 with Secretary, State of OH. Debtor: Russell Burdsall & Ward Corporation, Mentor, OH. Secured Party: National City Bank, Cleveland, OH. Collateral: all equipment and products.

04/18/85

Financing Statement #84312773 filed 12-27-84 with Secretary, State of OH. Debtor: Russell Burdsall & Ward Corporation, El Paso, TX. Secured Party: National City Bank, Cleveland, OH. Collateral; specified general intangibles, accounts receivable, contract rights, chattel paper, negotiable instrument, inventory, equipment including proceeds and products.

BANKING

(9/85) According to the annual report as of Dec 31 1984 the company had borrowed \$18.5 million under a \$25 million revolving credit agreement and \$18 million under a term loan arrangement. Both of these loans are secured by a major portion of the company's current and fixed assets. There was also a \$10 million bridge loan outstanding which the company intends to liquidate in the current year. According to a filing with the SEC all three loans were outstanding in similar amounts as of Jun 29 1985.

HISTORY 04/18/85

JOHN J. LOHRMAN, CHB & CEO+ ROBERT F. DWYER, V PRES
ANDREW A. ARENA, V PRES BOYD O. MURDOCK, SEC & TREAS
DIRECTOR(S): The officers identified by (+) and Frances A. Coy,
Herbert J. Deitz, Murray J. Howe, Frederick J. Mancheski, Julien L.
McCall and Thomas E. McGinty.

Incorporated Delaware Mar 19 1929. Authorized capital consists of 8,000,000 shares common stock, \$1 par value and 200,000 shares preferred stock, \$100 par value.

At Dec 31 1984 there were 4,425,057 shares of common issued. No preferred stock was outstanding. Common shares are traded on the American Exchange.

Paid in capital \$14,108,000 on Dec 31 1984. At Feb 1 1985 there were 2,035 common shareholders of record.

Business started 1901 by other interests. 11% of capital stock is owned by officers/directors. 89% of capital stock is owned by the general public and institutional investors. Started by Sol Mangel during 1901 as NY Shirt Waist House. That firm was incorporated under New Jersey laws as NY Shirt Waist House Inc, in 1916. Mar 2 1929 name legally changed to Mangel's Inc.

On Dec 30 1977 acquired the name and most of the assets of Russell Burdsall & Ward Inc., Mentor, OH for \$54,163,000 cash. Majority of funds were derived from a loan of about \$40,000,000. Those acquired assets were merged. On Mar 1 1978 executive headquarters were moved from 5611 Tonnelle Avenue, North Bergen, NJ to Mentor, OH.

Acquisition: In Apr of 1981 Russell, Burdsall & Ward Corporation acquired most of the Industrial Fastener Division of The Lamson & Sessions Co for \$20 million.

Discontinued Operations: In Jul of 1983 the company sold its retail division, Mangel's Stores.

JOHN J. LOHRMAN, born 1920. BS Creighton University, did graduate studies, Wharton School of Business, University of Pennsylvania. Served four years World War II, U S Army. 1946-57 assistant controller of Philadelphia Transportation Co, and a consultant with McKinsey Company. Joined predecessor company 1957, manager distribution and became assistant to the president. Vice president-administration and director 1961; executive vice president in 1969; president in 1973, CHB in 1976. 1977 CHB and CEO and director. 1981 president, CEO and director. 1984 CHB, CEO and director.

ANDREW A. ARENA, born 1947 married. Joined Russell Burdsall & Ward in 1969. Elected vice president and general manager of distribution division in 1983.

ROBERT F. DWYER, born 1928 married. Associate degree Wright Jr College, Chicago 1954. 1946-47 U S Army. 1961-72 employed MSL Industries Inc as divisional president. 1972-83 employed Romard Northwest Inc as general manager. Joined Russell Burdsall & Ward Corporation in 1984 as vice president.

BOYD O. MURDOCK, born 1940 married. 1971 Case Western Reserve University, BS Accounting, 1974 MBA, Finance. 1970-81 employed The Lamson & Sessions Co. 1970 supervisory positions corporate office and industrial fastener div, 1976 corporate assistant controller. 1981 to present Russell Burdsall & Ward, corporate treasurer. 1984 also secretary.

DIRECTORS: FRANCES A. COY, president Coy and Associates Inc. HERBERT J. DEITZ, partner Cole & Deitz (law firm).

MURRAY J. HOWE, executive vice president Richardson Greenshields of Canada Ltd.

FREDERICK J. MANCHESKI, CHB Echlin, Inc.

JULIEN L. MC CALL, CHB National City Corporation.

THOMAS E. MC GINTY, president Hunt Valve Company.

#### OPERATION

04/18/85

Manufactures (65%) metal screws, nuts and other metal fasteners and wholesales (35%) all types of metal fasteners. Terms of sale are 1% 10 net 30 days. Sells to manufacturers of automotive equipment and farm equipment dealers, steel fabricators, railroads and government accounts. Territory :United States and Canada.

Nonseasonal.

EMPLOYEES: 1,700. 25 employed here.

FACILITIES: Leases 7,000 sq. ft. in brick building in good condition. Premises neat. This is corporate headquarters in an office complex.

LOCATION: Suburban business section on well traveled street.
BRANCHES: On a consolidated basis manufacturing plants are
located in Cleveland and Kent, OH; Chicago and Rock Falls, IL;
Kendallville, IN; Coraopolis, PA and Toronto, Ontario, Canada.
Product development facilities are maintained at Brooklyn Heights; OH.
Headquarters for the Bosco Fastening Service Center are maintained at

Dallas, TX and there are nineteen distribution centers throughout the south, southwest and western states.

The Fastener House division is headquartered in Cleveland, OH and that division has thirteen distribution centers throughout the midwest.

SUBSIDIARIES: The company has several inactive subsidiaries. Its one active subsidiary is Lamson & Sessions of Canada Ltd, Toronto. That corporation manufactures and wholesales products similar to the parent in the Canadian market. There are intercompany merchandise transactions on regular terms.

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FULL DISPLAY COMPLETE



June 24, 1985

William T. Skowronski, P.E. Unit Supervisor Division of Solid and Hazardous Waste Management Northeast District Office

RECEIVED

JUL 1 - 1985

OHIO EPA-N.E.D.O.

Dear Mr. Skowronski,

This letter is in reply to your correspondence dated June 13, 1985 regarding violations that were noted at the R.B.& W. Kent Plant during the March 26, 1985 inspection by Ohio E.P.A., and Mr. Steve Tuckerman's April 12, 1985 letter listing these violations.

The following information addresses each item individually from both letters.

Item #1 - A telephone conversation with Nick George, R.B.& W. Kent Plant Engineer, on May 23, 1985, indicated to you that we were disposing of unknown wastes through Samsel Services, which is a normal procedure at this facility. After his conversation with you, he investigated and found that no drums were shipped from this plant via Samsel. Nick George then surveyed the facility and took an inventory of the drums and locations.

A collection of 27 drums with known wastes (posted I.D. tags) were determined and the area was posted with proper caution signs. Ms. Gleason of Erieway visited the plant on June 7, 1985, and took samples of all drums for analysis. She informed us that it takes two (2) weeks for this phase. Once the analysis is made, proper disposal will be conducted in 2-5 days.

In addition, Joe Biss, Maintenance Foreman, and our maintenance personnel, went into a different area and found 12-14 drums that contained rain water. This was determined by smell, color and Ph paper. These drums were placed there for future use, but were stored vertically, therefore, water entered. They are now stored in a horizontal position.

With the storage space allotted us by the removal of these 27 drums, we will then collect and store inside any remaining drums containing unknown material and properly dispose after analysis is made. This second phase is expected to begin July 1, 1985, and completed by July 28, 1985.

Item #2 - This is fully explained in Item #1 of this letter.

Item #3 - Names and titles of persons who were informed by Nick George regarding manifest information:

- 1. Larry Lucks R.B.& W. Purchasing Agent
- 2. John Kugler R.B.& W. Production Manager
- 3. Joe Biss R.B.& W. Maintenance Foreman
- 4. Carl Wohlwend R.B.& W.-Maintenance
- 5. Dick Thomas R.B.& W.-Maintenance

Letter to Ohio E.P.A. Page Two

<u>Item #4</u> - Container inspections are performed every Wednesday at this plant by a Pinkerton Security employee. This inspection began shortly after the March 26, 1985 E.P.A. inspection. This duty was assigned to one guard, Tom Bosko, Badge #19245. Tom has the daily shift from 3:00 p.m. to 11:00 p.m. Blank sheets were issued with instructions; a copy is enclosed.

Item #5 - Repair of spent Pickle liquor (K062) pit. The request for approval to repair pit was submitted but returned for an attempt to quote a more economical repair cost. We contacted "Envirite" and "Manfredi" regarding the possibility of pumping directly out of the Pickle Tanks and into the tanker. Both sources indicated that there was no problem with this method.

Nick George called Steve Tuckerman on June 19, 1985 and explained this situation to him. He will send instructions regarding the closing of this acid pit.

Item #6 - The first shipment copy showing 3,992 gallons was submitted to your office on June 3, 1985. Enclosed is another shipper copy for 5,098 gallons. On June 18, 1985, Manfredi requested to take our spent liquor to be used at Easterly Waste Water Treatment Plant, Cleveland, Ohio. Since this is economically advantageous to us, we will be using this service. The disposal of phosphates will remain the same and will be disposed through Envirite. We will continue to send you copies from both disposal services, as per your request, until further notice.

Item #7 - Surface Impoundment Closure - On June 11, 1985, a letter and photograph of the lagoon (taken on same date) were sent to your office. On June 6-7, 1985, contractor Warner Hughes Inc., began filling the lagoon. He trucked in 343 tons of fill and graded the surrounding area to maintain 3-4 feet of free board. We are also pumping water to reduce liquids. The contractor will return the week of June 24, 1985 with additional fill. We expect the lagoon to be completely filled by end of July, 1985.

Regarding Mr. Tuckerman's letter of April 12, 1985, Items #1, #2, #5, #6, and #7 were covered in this letter. We would need more time to gather and update facts on items #3 and #4. We are requesting an extended time frame to July 12 for completion.

I hope this meets with your satisfaction. Should you have any comments or questions, please do not hesitate to call me at (216) 673-3446.

Sincerely,

Paul D. Boy

General Manager, Nut Division

cc: Mr. Steve Tuckerman, N.E. District Office
 Gary Long, R.B.& W. Extrusion & Finishing Mgr.
 John Kugler, R.B.& W. Production Control Mgr.
 Nick George, R.B.& W. Plant Engineer

cls
attachment

### HAZARDOUS WASTE --- DRUM STORAGE

# SCHEDULE OF INSPECTION -- WEEKLY

/ NO / YES / DATE /  2.) Are Drums Identified as to Type of Waste?  3.) Are Drums Tagged with Proper I.D. / / / / / /	TIME /INSPECTED BY  /  /  /  /  /  /  /  /  /  /  /  /  /
of Waste?  3.) Are Drums Tagged with Proper I.D. / / / / / / / / / / / / / / / / / /	· · · · · · · · · · · · · · · · · · ·
and Dated?  4.) Floor is Dry NO Leaks ? / / / / /  5.) Floor Free of Sludge? / / / /  6.) Is "DANGER" Sign Posted & Visible? / / / /  7.) Are There Any Drums Stored For / / / / More than 60 Days?  8.) Are There Any Drums Stored For / / / / More than 90 Days?  NOTE: IF NO IS CHECKED FOR ANY OF THE ABOVE CONDITIONS IMMEDIATELY NOTIFY THE HAZARDOUS COORDINATOR OR PLANT ENGINEER.	
4.) Floor is Dry NO Leaks? // //  5.) Floor Free of Sludge? // //  6.) Is "DANGER" Sign Posted & Visible? // //  7.) Are There Any Drums Stored For // // More than 60 Days?  8.) Are There Any Drums Stored For // // More than 90 Days?  NOTE: IF NO IS CHECKED FOR ANY OF THE ABOVE CONDITIONS IMMEDIATELY NOTIFY THE HAZARDOUS COORDINATOR OR PLANT ENGINEER.	
6.) Is "DANGER" Sign Posted & Visible?  7.) Are There Any Drums Stored For More than 60 Days?  8.) Are There Any Drums Stored For More than 90 Days?  NOTE: IF NO IS CHECKED FOR ANY OF THE ABOVE CONDITIONS IMMEDIATELY NOTIFY THE HAZARDOUS COORDINATOR OR PLANT ENGINEER.	
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3.) Are Drums Tagged with Proper I.D. / / / / and Dated?	/ /
4.) Floor is Dry <u>NO Leaks</u> ? / / / / /	7. /
5.) Floor Free of Sludge?	
6.) Is "DANGER" Sign Posted & Visible? / / / /	//
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Re: RB & W

Portage County OHD 004-196-614 Generator OHIO EPA

JUN 1 & 1985

DIV. of SOLID & HAZ. WASTE MGT.

RB & W 800 Mogadore Road Kent, Ohio 44240 June 13, 1985

Attn: Paul Boy, Plant Manager

Dear Mr. Boy:

This letter is a follow-up to a March 26, 1985 hazardous waste inspection conducted at the RB & W facility in Kent by Mr. Steve Tuckerman of my staff. In a letter dated April 12, 1985 (copy enclosed), we requested that within 30 days, written documentation be sent to this office confirming all violations were corrected. Also, during the inspection, Mr. Tuckerman verbally requested your facility expedite the closure of the lagoon at the Kent facility. The company's response dated May 16, 1985 (copy enclosed) lacked sufficient detail and documentation to assure that the violations were corrected; however the letter indicated additional documentation would be forthcoming by May 22, 1985. The documentation was not submitted. On May 23, 1985, I telephoned Mr. George of your staff and requested the following:

- 1. manifests for drums sent to Samsel Services,
- analysis of other unknown wastes or a date when the analysis would be completed,
- imes 3. names and titles of who was informed regarding manifest information,
- 4. full discussions of how and where security performs container inspections,
- (5. a date of committment for repair of the waste pickle liquor (KO62) tank,
- 6. copies of K062 shipments to Envirite, and
  - how and when the surface impoundment will be closed.

Mr. George stated that he would send these details by May 31, 1985. On June 3, 1985, Mr. George sent us a letter with copies of Envirite manifests. Mr. George stated that the remaining information will be sent June 7, 1985. To this date, we have not received this additional information.

Re: RB & W

Attn: Paul Boy, Plant Manager

Page 2

Please advise me when this information will be sent to this office. It is my hope that we can resolve this matter without additional enforcement efforts. Should you have any questions on this matter, please contact me at (216) 425-9171. Thank you.

June 13, 1985

Sincerely,

William T. Skowronski, P.E.

Unit Supervisor

Division of Solid and Hazardous Waste Management

Northeast District Office

WTS:kr

**Enclosures** 

cc: N. George, RB & W, Kent

\* E. Kitchen, DSHWM, Central Office, OEPA

S. Tuckerman, DSHWM, Northeast District Office, OEPA

Od Land

Re: RB & W

Portage County OHD 004-196-614

Generator

CECEIVED OHIO EPA

RB & W 800 Mogadore Road Kent, Ohio 44240

APR 1 0 1985

DIV. 17 FORD & MAD. MALTE MGT.

April 12, 1985

Attn: Nick George

Dear Mr. George:

This letter is a follow-up to my hazardous waste inspection on March 26, 1985 at your facility in Kent. A copy of the inspection report is enclosed for your information. The following violations are noted in the report:

#### Description of Violation Regulation "Solid" wastes (several drums and Ohio Administrative Code (OAC) one tank) not evaluated to determine 3745-52-11 if hazardous. OAC 3745-52-21 2. Manifests did not contain accurate quantity determination. Personnel Training not provided to OAC 3745-52-34 (OAC 3745hourly employees. 65-16) Contingency Plan not submitted to local emergency service authorities. OAC 3745-65-53 No record of container inspections. OAC 3745-52-34 (OAC 3745-66-74Remedy to correct documented OAC 3745-66-94 (OAC 3745deterioration of KO62 storage tank 65-15) not taken. Hazardous waste (spent zinc phosphate OAC 3745-52-12 and Ohio solution) disposed at a non-permitted Revised Code (ORC) 3734.02 facility.

The last violation listed above refers to the spent zinc phosphate solution that was mixed with your spent pickle liquor and disposed/used at the NEORSD Easterly wastewater treatment plant. As I mentioned during the inspection,

Re: RB & W

Mr. Nick George

Page 2

this practice must stop since the exemption cited in OAC 3745-51-06 is applicable to KO62 only.

Please submit written documentation within 30 days from receipt of this letter your efforts to correct the above listed violations. This letter and a copy of the inspection report will become part of the official record of the Ohio EPA Division of Solid & Hazardous Waste Management.

Please call if you have questions.

Sincerely,

Steve Tuckerman

Environmental Scientist

Division of Solid & Hazardous Waste Management

Northeast District Office

ST:kr

**Enclosure** 

cc: Kevin O'Grady, DSHWM, Central Office

(1) tu	Ken	n Schultz, Chief, Division of Emergency Response date: date:	March 29, 1985
· · · · · · · · · · · · · · · · · · ·	Воъ	b Davic, DW9MA, NEDO	
		l spill investigation, R-B-W Corp., Kent, Ohio, Portage Coun	ty

On March 28, 1985 at approximately 1700 hours I noticed a rainbow colored sheen covering the length of the Cuyahoga River in Kent, about \( \frac{1}{2} \) mile upstream of the Middlebury Road bridge. The oil was being discharged into the river from a pipe draining the property of R-B-W Corp (old Lamson and Sessions Co.). The rainbow colored oil was flowing along a ditch located in the northwest section of their property (see attached map). No water samples were collected.

I notified Mr. Ken Parbel, Plant Superintendent, and he immediately had some absorbent booms placed in the ditch to contain the oil. By this time it was dark and had begun to rain. I stayed to talk with Mr. Nick George, Plant Engineer, who arrived from home. According to Mr. George, R-B-W Corp. does not have a water discharge to the ditch. Apparently, the oil substance is leaching from old oil and acid pits that were once used by Lamson and Sessions Co. One of these pits is currently under investigation by Ohio FPA, DSHWM (Steve Tuckerman, NEDO). At this time I had Mr. George report the spill to the ER hotline number in Columbus.

Apparently this is not the first time oil has been observed leaving the property of R-B-W Corp. I have attached a complaint investigation conducted by Bob Wysenski in 1979. From what I could observed, little if anything has been done since this 1979 investigation. The "siphon" dams were not operational and the sides of the ditch were still covered with a dark oily residue. I would expect that this discharge of oil will continue to contaminate the Cuyahoga River unless some corrective measures are taken to contain the oil leaching from the old waste pits. Perhaps this discharge should be placed under a NPDES permit. Let me know if I can be of any further assistance.

cc. Bruce Miller, ER, NEDO
Steve Tuckerman, DSHWM, NEDO
Dennis Lee, IWW, DWPC, NEDO

TO STATE OF THE PARTY OF THE PA

# RB&W

September 8, 1986

Portage County OHD 004-196-614

Ms Deborah J. Berg, District Inspector Ohio EPA Northeast District Office 2110 E. Aurora Rd. Twinsburg, Ohio 44087-1969

Dear Ms Berg:

The following is the response to your letter dated July 29, 1986.

# 1. Storage of Waste On-site for Greater Than 90 Days

- A. The four (4) drums which were noted in excess of 90 days have been removed by a licensed waste disposal firm. Enclosed is a copy of the manifest marked "A" Manifest Document No. 62386, Samsel being the transporter, to Erieway for disposal.
- B. The unusable cadmium plating solution (F007) that was being held on our dock - tank #6, has been disposed of through a waste treater. This tank was drained, then rinsed (3) times with fresh water and pumped into same tanker for disposal. Enclosed is a copy of the manifest marked "B" Manifest Document No. 4 00134. Alchem-tron Inc. was the transporter and treater.

# Failure to Determine Waste Characterization

The drums and dumpster which were located south of building #6 were identified as acidic. Dumpster contents were put in properly lined drums and the drums in question were all properly labeled, identified and dated. A copy of the manifest is enclosed and is marked "A" to indicate disposal date. See Manifest Document No. 62386.

## 3. Failure to Mark Accumulation Dates

Regarding tanks #19 and #19A, see appendix "B" - 5 (E) Daily Inspection Report. Also, this will be added to training sheet. We will identify and date these tanks per your instructions.

#### 4. Weekly Drum Inspection

Reports will again be conducted by a security person. This person has been promoted to a sergeant of the post and is well qualified to perform this task.

RECEIVED

SEP 15 1986

OHIO EPA-N.E.D.O.

#### Daily Tank Inspection

This has been resumed and your recommendation to identify with the weekly has been done. A copy is submitted for your inspection.

- 6. Personnel Training Program has been conducted and a copy of the employee's names is enclosed. I am removing Mr. McArthur Milbry from his duties and have replaced him with Mr. Richard Thomas. Mr. Milbry's second shift duties and daylight hours prompted me to make this change. Mr. Thomas has taken the training, past and present. Copies of job descriptions are also submitted for your inspection, designating hazardous management duties for all personnel involved.
- 7. Also enclosed, you will find a current contingency plan. With this report, a drawing locating all tanks and wastes storage is shown. The smaller drawing shows all exits, hydrants and fire hose locations.

I also wish to inform you that we had spent considerable time and the complete south portion of this plant has been cleaned. Drums are stacked, pallets removed, debris cleaned, bins relocated, all open top tanks and bulk product dumpsters have been turned upside down so no materials can be put in them.

I also wish to inform you that the lagoon is fully covered. We had materials removed (see manifest) then completely covered this area.

I am also enclosing copies of 1985 manifest that lists drummed wastes that were removed from this facility in the latter part of 1985.

Ms Berg, I sincerely hope that this satisfies your requests of your letter dated July 29, 1986.

A copy of this complete packet will go to the City of Kent.

If there are any further questions or problems, please do not hesitate to call me at 216 673-3446.

Sincerely,

Nick P. George,

Facilities Engineer

RB&W Corporation

NG/rkc

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1000000000000000000000000000000000000	Action of the control	SACING N	Tallia de la	· · · · · · · · · · · · · · · · · · ·
15. Special Handling Instructions and Additional Informatio			,	
SEE NICK GEORGE		RACTOR #: RAILER #:	•	
THIS DOCUMENT TAKES THE PLACE OF	i	-	FOR YOUR RE	CORDS,
ALL SPILLS MUST BE REPORTED TO THE NATIONA				، شمق
16. GENERATOR'S CERTIFICATION: I hereby decla	re that the contents of this consignment a	re fully and acc	urately described	above by proper shipping
name and are classified, packed, marked, and la international and national government regulation	<ul> <li>Unless I am a small quantity generate</li> </ul>	or who has bee	in exempted by sta	atute or regulations from
the duty to make a waste minimization certificatio and toxicity of waste generated to the degree I have	ve determined to be economically practic	able and I have	selected the meth	od of treatment, storage,
or disposal currently available to me which mini	mizes the present and future threat to	human health	and the environm	ent.
Printed/Typed Name	Signature	1. 1 1.	1 . 1	Month Day Year
17. Transporter 1 Acknowledgement or Receipt of Materials	「	1 ( 10 f. P	- Marie	. 08 06 85
Printed/Typed Name	Signature	<del>// ,</del>		Month Day Year
TETER VIVOUR	· Milli	/rd		08 05 85
18. Transporter 2 Acknowledgement or Receipt of Materials	<del></del>	*1 "	•	Date  Month Day Year
Printed/Typed Name	Signature			moinin Day Tear
19. Donepancy Indication Space		REC	EIVED	
** ESTIMATED QUANTITY :				and the second state of the second se
** CALCULATED QUANTITY :		_ SEP	1 5 1886	ting are the party of the party of
20. Facility Owner or Operator: Certification of receipt of ha	zardous materials covered by this manifest e	xceb() aa luo (€ci.)	M IMMLF19√ ∨	
a da aren de la compania de la comp		· JIIIU EP	M-11. E. D. U.	Date
Printed/Typed Name	Signature			Month Rev Vonc

3-20-85 08:30 -Date and Time of Inspection

			HWFAB #
GENERAL INFORMATION			U.S. EPA I.D. # 0HD 004/9/06/4
Facility: RB4W		Address: 800 Mocpacose Rocac	city: <u>Kent</u>
State: Chio	7in Code:		ephone: (216) 673-34416
State:	_ ZIP GOGG.	INSPECTION PARTICIPANT(S)	
. (Name)	82	(Title)	(Telephone)
1. Nick George		Plant Engineer	(216) 673-3446
	- Andrews		
3.			
J		INSPECTOR(S)	
1. Steve Tucke	rman	Ohio EPA	(216) 425-917/
2.		Environmental Scientist	
3.			
•		INSTALLATION ACTIVITY	
Mark One	If the	site is a TSDF, check the boxes indicating wh	ich areas were reviewed.
Generator only (G)	/_/	General Facility Standards, Preparedness	/_/ Waste Piles SO3
3		and Prevention, Contingency and Emergency	/ / Land Treatment D81
/_/ Transporter (T)		Manifests/Records/Reporting, Closure	
/_/ TSDF only	/_/	Containers S01	/_/ Landfills D80
<u>//</u> G-T	/	Tanks S02/T01	/_/ Chemical/Physical/ Biological TO4
/_/ G-TSDF	/	Surface Impoundments S04/T02	/ / Groundwater Monitoring
/_/ T-TSDF		Incineration/Thermal Treatment	Post-Closure
/_/ G-T-TSDF			

		<u>Yes</u>	<u>No</u>	N/A	Remark #
1.	Has the facility submitted a Part A to Ohio?		/		
2.	If "yes", is it complete and accurate?				
3.	Has the facility submitted a Part B?				7/ 7
4.	Was advance notice of the inspection given? If so, how far in advance?				4 weeks
	IF THE SITE HAS RECEIVED A PART B PERMIT, USE THE RCRA STATUS INSPECTION FORM.				

REMARKS, GENERAL INFORMATION	
Include a brief/description of/site activity and waste handling. /	, / / \
Del Del annomi inclustry	PSO (QUITOMOTIVE)
RBYW manufactures fasteners for general inclustry	( go, a comment
LDIO TOTAL	1010 -1
11 managina a temporary slorage of	KOGZ Spent
HW activity includes generation a temporary storage of	
coomium plating & phosphating wastes & several de;	Co Cour inn
continuo a continuo & aposphatino uxostes & several de	-91603100
Cappillar paring 1 porting 1	
station wastes	No.

#### 40 CFR 262 (OAC 3745-52) GENERATOR REQUIREMENTS

٦.	The hazardous waste(s) generated at this facility have been tested or are
	acknowledged to be hazardous waste(s) as defined in Section 261 and in
	compliance with the requirements of Sections 262.11. [3745-52-11(D)]

- 2. Does this facility generate any hazardous wastes that are excluded from regulation under Section 261.4 [3745-51-04] (statutory exclusions) or Section 261.6 [3745-51-06(A)(1)] (recycle/reuse)?
- 3. Does this facility have waste or waste treatment equipment that is excluded from regulation because of totally enclosed treatment (Section 265.1(c)(9)) [3745-65-01] or via operation of an elementary neutralization unit and/or wastewater treatment unit (Section 265.1(c)(10) [3745-65-01]
- 4. The generator meets the following requirements with respect to the preparation, use and retention of the hazardous waste manifest:
  - a) The manifest form used contains all of the information required by Section 262.21(a) and (b) [3745-52-21] and the minimum number of copies required by Section 262.22 [3745-52-22].
  - b) The generator has designated at least one permitted disposal facility and has/will designate an alternate facility or instructions to return waste in compliance with Section 262.20 [3745-52-20(B)(C)(D)].
  - c) Prepared manifests have been signed by the generator and initial transporter in compliance with Section 262.23 [3745-52-23(A)(1 and 2)].
  - d) The generator has complied with manifest exception reporting requirements (investigate after 35 days, report after 45 days) in Section 262.42(a)(b) [3745-52-42].
  - e) Signed copies of all hazardous waste manifests and any documentation required for Exception Reports are retained for at least 3 years as required by Section 262.40 [3745-52-40]. (262.40(a)) [3745-52-40(a)]

<u>Yes</u>	No	N/A	Remark	#
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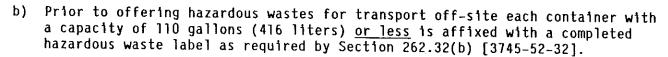


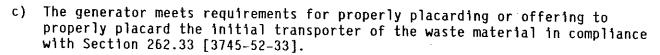
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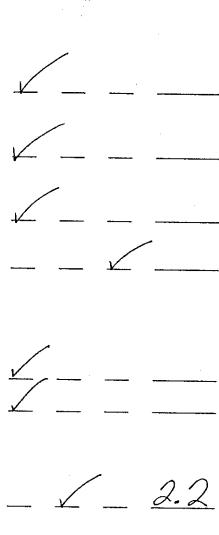
5. The generator meets the following hazardous waste pre-transport requirements:

a)	Prior to offering hazardous wastes for transport off-site the waste material
	is packaged, labeled and marked in accord with applicable DDT regulations
	(Section 262.30, 262.31 and 262.32(a)) [3745-52-30, 3745-52-31, 3745-52-32]





- 6. Hazardous wastes imported from or exported to foreign countries are handled in accordance with the requirements of Section 262.50 [3745-52-50]
- 7. If the generator elects to store hazardous waste on-site in <u>containers</u> or <u>tanks</u> for <u>90 days</u> or less without a RCRA storage permit as provided under Section 262.34 [3745-52-34], the following requirements with respect to such storage are met:
  - a) The containers are clearly marked with the words "Hazardous Waste".
  - b) The date that accumulation began is clearly marked on each container.
- 8. The generator has provided a Personnel Training Program in compliance with Section 265.16(a)(b)(c) [3745-65-16(A)(B)(C)] including instruction in safe equipment operation and emergency response procedures, training new employees within 6 months and providing an annual training program refresher course. (Section 262.34) [3745-52-34(A)(4)]
- 9. The generator keeps all of the records required by Section 265.16(d)(e) [3745-65-16(D)(E)] including written job titles, job descriptions and documented employee training records (Section 262.34) [3745-52-34(A)(4)].



N/A

Remark #

Yes

NOTE: SHORT-TERM STORAGE FOR 90 DAYS OR LESS IN TANKS AND CONTAINERS ALSO REQUIRES THAT REGULATIONS IN SECTION 265 [3745-65], SUBPARTS C AND D (PREPAREDNESS AND PREVENTION PLUS CONTINGENCY AND EMERGENCY) AND CERTAIN PORTIONS OF THE "CONTAINERS" AND "TANKS" RULES BE MET. COMPLETE THE APPROPRIATE SECTIONS OF THE INSPECTION FORM.

2.0 Several "stray" drums contained unknown wastes. One old plating tank contained an unknown solution. 2.1 KO62 is transported to NEOSRD Easterly Plant for use in phosphorus removal. 2.2 Hourly employees required to work in the hazarchous waste program need personnel training, 2.3 Estimates of quantity of wastes were in gross error of actual weights. 2.4 For Those employees trained

		Yes	<u>No</u>	<u>N/A</u>	Remark #
	Subpart D: Contingency and Emergency				
1.	The facility has a written Contingency Plan designed to minimize hazards from fire, explosions or unplanned releases of hazardous wastes (265.51) [3745-65-52(A)(B)(C)(D)(E)] and contains the following components:	_			
	a) Actions to be taken by personnel in the event of an emergency incident.	<u>.</u>			
	b) Arrangements or agreements with local or state emergency authorities.		<u>/</u>		
	c) Names, addresses and telephone numbers of all persons qualified to act as emergency coordinator.	_	<del></del>		
	d) A list of all emergency equipment including location, physical description and outline of capabilities.		<del></del>	<del></del>	
	e) If required due to the actual hazards associated with the waste(s) handled, an evacuation plan for facility personnel. (265.51(f)) [3745-65-52(F)]			<u> </u>	
2.	A copy of the Contingency Plan and any plan revisions is maintained on-site and has been submitted to all local and state emergency service authorities that might be required to participate in the execution of the plan. (265.53) [3745-65-53(A)(B)]		<u></u>	<u>.</u>	
3.	The plan is revised in response to facility, equipment and personnel changes or failure of the plan. (265.54) [3745-65-54]	<del></del> .		/	
	An emergency coordinator is designated at all times (on-site or on-call) is familiar with all aspects of site operation and emergency procedures and has the authority to implement all aspects of the Contingency Plan. (265.56) [3745-65-55]	_			·
5.	If an emergency situation has occurred, the emergency coordinator has implemented all or part of the Contingency Plan and has taken all of the actions and made all of the notifications deemed necessary under Sections 265.56(a-j). [3745-65-56(A-J)	·		4	

		<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Remark #</u>
	Subpart C: Preparedness and Prevention				
	Has there been a fire, explosion or non-planned release of hazardous waste at this facility? (265.31) [3745-65-31]		<u> </u>		
2.	If required due to actual hazards associated with the waste material, the facility has the following equipment: (265.32) [3745-65-32(A)(B)(C)(D)]	_			
	a) Internal alarm system.	<u>/</u>			
	b) Access to telephone, radio or other device for summoning emergency assistance.		<u></u>		
	c) Portable fire control equipment.			1/	
	d) Water of adequate volume and pressure via hoses sprinkler, foamers or sprayers.				<u> </u>
3.	All required safety, fire and communications equipment is tested and maintained as necessary; testing and maintenance are documented. (265.33) [3745-65-33]	/			4.0
4.	If required due to the actual hazards associated with the waste material, personnel have immediate access to an emergency communication device during times when hazardous waste is being physically handled. (265.34) [3745-65-34]	<u>/</u>			
5.	If required due to the actual hazards associated with the waste material, adequate aisle space to allow unobstructed movement or emergency or spill control equipment is maintained. (265.35) [3745-65-35]	<u> </u>	<u> </u>		
6.	If required due to the actual hazards associated with the waste material, the facility has attempted to make appropriate arrangements with local emergency service authorities to familiarize them with the possible hazards and the facility layout. (265.37(a)) [3745-65-37(A)]		<u> </u>		
7.	Where state or local emergency service authorities have declined to enter into any proposed special arrangements or agreements the refusal has been documented. (265.37(b)) [3745-65-37(B)]				

# Subpart I: Management of Containers

		<u>Yes</u>	<u>No</u>	N/A	Remark #
١.	Hazardous wastes are stored in containers which are:				•
	a) Closed (265.173) [3745-66-73(A)]	4	· ,		
	b) In good physical condition (265.171) [3745-66-71]			·	
	c) Compatible with the wastes stored in them (265.172) [3745-66-72]				
2.	Containers are stored closed except when it is necessary to add or remove wastes. (265.173(a)) [3745-66-73(A)]		· ·	<del> </del>	
3.	Hazardous waste containers are stored, handled and opened in a manner which prevents container rupture or leakage. (265.173(b)) [3745-66-73(B)]	/			
4.	The area where containers are stored is inspected for evidence of leaks or corrosio at least weekly and such inspections are documented. (265.174) [3745-66-74]	n 	/	<i>-</i>	
5.	Containers holding Ignitable or Reactive waste(s) are located at least 50 feet (15 meters) from the property line and the general requirements for handling such wastes in Section 265.17 (physical separation, signs and safety) are met (265.176) [3745-66-76]			<u>/</u>	
6.	Containers holding hazardous wastes are stored separate from other materials which may interact with the waste in a hazardous manner. (265.177(c)) [3745-66-77(C)]	/			

### Subpart J: Storage in Tanks

- 1. The tank(s) are operated in compliance with the safety requirements of Sections 265.17 and 265.192(b) [3745-66-92(B)] and are equipped with a waste-feed cutoff or bypass system as required in Section 265.192(d) [3745-66-92(D)].
- Uncovered tanks have at least 2 feet (60 cm.) of freeboard unless they are equipped with a spill containment system with a capacity that equals or exceeds the volume that 2 feet of freeboard would otherwise provide. (265.192(c)) [3745-66-92(C)]
- Daily inspections are made of all systems pertinent to the proper operation of the tank: discharge and cutoff, monitoring equipment, tank level and freeboard. (265.194) [3745-66-94(A)(B)(C)]
- 4. Weekly inspections are made of all tank construction materials and containment structures. (265.194) [3745-66-94(D)(E)]
- 5. Whenever tanks are used to treat or store wastes substantially different from previous wastes or when substantially different treatment processes are used in the tank, the facility has insured the safety of such changes by one or both of the following methods: (265.193(a)) [3745-66-93(A)(B)]
  - a) A complete waste analysis plus bench scale tests or pilot tests were conducted prior to implementing the proposed changes and all data is on file in the facility operating record.
  - b) Written, documented information on similar storage or treatment process changes was obtained prior to implementing the proposed changes and all documentation is on file in the facility operating record.

<u>Yes</u>	<u>No</u>	<u>N/A</u>	Kemark #
		<u>/</u>	
/	_		
<u>/</u>			
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		<del></del>	

<b>б</b> .	With the exception of emergency situations,	whenever Igr	nitable or Reactive	<u> </u>
	wastes are placed in tanks the facility has	insured the	safety of the oper	ration
	by one or both of the following methods: (	265-198(a))	[3745-66-98(A)]	

- a) The waste is treated immediately before or after being placed in the tank so that it is no longer Ignitable or Reactive and such treatment is done in compliance with the safety requirements of Section 265.17(b) [3745-65-17(B)].
- b) The waste is stored or treated under protected conditions eliminating the possibility of ignition or reaction.
- 7. Covered tanks used to treat or store Ignitable or Reactive wastes are in compliance with NFPA buffer zone requirements (Flammable and Combustible Code 1977). (265.198(b)) [3745-66-98(B)]
- 8. Incompatible waste materials are placed in the same tanks or put in contaminated tanks only under completely controlled and safe conditions as specified in Section 265.17(b). (265.199) [3745-66-99(A)(B)]
- 9. Whenever a tank is permanently taken out of service or upon closure of the facility all hazardous wastes and residues are removed and properly disposed of. (265.197) [3745-66-97)]

4.0 Communications system is the telephone

	_		
<u> </u>			
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	<u> </u>	/	

N/A

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Remark #

file

Re: RB & W

Portage County OHD 004-196-614

Generator

RB & W P.O. Box 89 Kent, Ohio 44240

February 22, 1984

Attn: Nick P. George

Dear Mr. George:

Thank you for your letter of February 13, 1984. This documentation indicates that the violations noted during my November 22, 1983 inspection have been addressed. Your facility is now considered to be in substantial compliance with Ohio's Hazardous Waste regulations.

Sincerely,

Steve Tuckerman

Environmental Scientist

Division of Hazardous Materials Management

ST: km

cc: Paula Cotter, Division of Hazardous Materials Management

02-43-0103



Re: RB & W

Portage County OHD004196614 Generator RECEIVED
OHIO EPA

NOV 3 0 1983

DIV. HAZARDOUS
MATERIALS MANAGEMENT

RB & W 800 Mogadore Road Kent, Ohio 44240

November 28, 1983

Attn: Nick George

Dear Mr. George:

Thank you for the courtesies you extended during my hazardous waste generator inspection on November 22, 1983, at your facility in Kent, Ohio. A copy of the inspection report is enclosed for your information. The following violations were noted in the report.

	Description of Violation	Regulation
1.	No evaluation of whether the phosphating wastes or contents of the surface impoundment are hazardous.	Ohio Administrative Code (OAC) 3745-52-11
2.	No labelling of drummed phosphating wastes.	OAC 3745-52-32 & OAC 3745-52-34
3.	No written personnel training program.	OAC 3745-65-16
4.	No record of employee training; no written job titles or job descriptions.	OAC 3745-65-16
5.	No written Contingency Plan.	OAC 3745-65-51
6.	No records of inspections/testing of emergency equipment.	OAC 3745-65-33
7.	No records of inspections of drummed wastes.	OAC 3745-66-74
8.	Less than 2 feet of freeboard in uncovered tanks.	OAC 3745-66-92
9.	No daily inspections of tank level and freeboard.	OAC 3745-66-94
10.	No weekly inspections of tank construction materials.	OAC 3745-66-94

\*

.e: RB & W Portage County OHD004196614 Generator

Page 2

### Description of Violation

医锥头 经耕户

### Regulation

11. No manifests prepared for phosphating wastes.

OAC 3745-52-20

12. Improper maintenance and operation (spillage) of facility at loading areas for spent pickle liquors and plating wastes.

OAC 3745-65-31

As mentioned in violation #1 above, RB & W is delinquent in determining whether the wastes in the surface impoundment are hazardous or not. Two separate samplings yielded results which are several orders of magnitude different from one another. You indicated that a third sampling was conducted two weeks ago which would enable you to determine the status of the impoundment. You also agreed to forward the results of the sampling when they arrive. If a determination is made that the wastes are hazardous, then RB & W in Kent would be considered a hazardous waste disposal facility and would be subject to all applicable regulations including ground water monitoring. Your facility would also require an Ohio hazardous waste permit and would be considered as a late filer. As such, your facility would be placed on a schedule to come into compliance with the regulations.

rlease respond to this office within thirty (30) days from receipt of this letter your efforts to correct the above listed violations. This letter and a copy of the inspection report will become part of the official record of the Ohio Environmental Protection Agency's Division of Hazardous Materials Management. I am also enclosing, as requested, an order form for a complete set of Ohio's Hazardous Waste regulations.

Please contact me if you have any questions.

Sincerely,

Steve Tuckerman

Environmental Scientist

Division of Hazardous Materials Management

Northeast District Office

ST: km

Enclosure

cc: Paula Cotter, Division of Hazardous Materials Management, Central Office



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

March 13, 1981

Mr. Donald Day Chief, Office of Land Pollution Control Ohio Environmental Protection Agency P. O. Box 1049 Columbus, Ohio 43216 Sussel Burdsallo Ward Gap.

OHD OOY 196 614

Dear Mr. Day:

Enclosed please find a Manifest Report for Lamsons & Sessions located in Kent, Ohio. The original report was received by this office and is being forwarded to our Enforcement Division. A copy is being sent to you for review and follow-up with the generator located in your State. No explanation from the generator was received besides the Manifest copy regarding the situation surrounding this particular shipment.

Brenda Lillstrom Acting State Implementation Officer

**Enclosure** 

Sincerely yours,